

Representative Hall, Atlanta, Georgia**Thursday, February 2, 2006**

The House met pursuant to adjournment at 10:00 o'clock, A.M., this day and was called to order by the Speaker.

The roll was called and the following Representatives answered to their names:

Abdul-Salaam	England	Jamieson	E McClinton	Scott, A
Amerson	Everson	Jenkins	Meadows	Scott, M
Ashe	Fleming	Jennings	E Millar	Setzler
Barnard	Forster	Johnson	Mills	Shaw
Bearden	Franklin	Jones, S	Morris	Sheldon
Benton	Freeman	Jordan	Mosby	Sims, F
Black	Gardner	Keen	Mosley	Smith, L
Bridges	Geisinger	Keown	Mumford	Smith, P
Brooks	Graves, D	Kidd	Murphy, J	E Smith, T
Bruce	Graves, T	Knight	Murphy, Q	Stephens
Bryant	Greene	Knox	Neal	Talton
Burkhalter	Hanner	Lakly	O'Neal	Teilhet
Burmeister	Hatfield	Lane, B	Orrock	Thomas, A.M
Byrd	Heard, J	Lane, R	Parham	E Thomas, B
Carter	Heard, K	Lewis	Parrish	Tumlin
Casas	Hembree	Lindsey	Parsons	Warren
Chambers	Hill, C	Lord	Ralston	Watson
Cheokas	E Hill, C.A	Loudermilk	Randall	Wilkinson
Cole	Holt	Maddox	Reece, S	Williams, A
Coleman, B	Houston	Mangham	Rice	Williams, E
Cooper	Howard, E	Manning	Rogers	Williams, R
Cox	Hugley	Martin	Royal	Wix
Cummings	Jackson	Maxwell	Rynders	Yates
Davis	James	McCall	Scheid	Richardson,
Dickson				Speaker

The following members were off the floor of the House when the roll was called:

Representatives Anderson of the 123rd, Barnes of the 78th, Beasley-Teague of the 65th, Borders of the 175th, Brown of the 69th, Buckner of the 76th, Buckner of the 130th, Burns of the 157th, Channell of the 116th, Coan of the 101st, Coleman of the 144th, Crawford of the 127th, Day of the 163rd, Dean of the 59th, Dodson of the 75th, Dollar of the 45th, Drenner of the 86th, Dukes of the 150th, Ehrhart of the 36th, Floyd of the 99th, Floyd of the 147th, Fludd of the 66th, Golick of the 34th, Harbin of the 118th, Henson of the 87th, Horne of the 71st, Hudson of the 124th, Lucas of the 139th, Marin of the 96th, May of the 111th, Mitchell of the 88th, Morgan of the 39th, Oliver of the 83rd, Porter of the 143rd, Ray of the 136th, Reece of the 11th, Reese of the 98th, Roberts of the 154th, Sailor of the 93rd, Sims of the 169th, Sinkfield of the 60th, Smith of the 113th, Smith of the 129th, Smith of the 131st, Smyre of the 132nd, Stanley-Turner of the 53rd, Stephenson of the 92nd, and Walker of the 107th.

They wish to be recorded as present.

Prayer was offered by the Reverend Bennie R. Mitchell, Jr., Connor's Temple Baptist Church, Savannah, Georgia.

The members pledged allegiance to the flag.

Representative Heard of the 104th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

By unanimous consent, the following Bills and Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 1190. By Representatives Wilkinson of the 52nd, Willard of the 49th, Geisinger of the 48th, Jones of the 46th and Ashe of the 56th:

A BILL to be entitled an Act to amend Code Section 32-10-64 of the Official Code of Georgia Annotated, relating to the toll powers of the State Road and Tollway Authority, so as to modify and clarify the processes by which collection of unpaid tolls may be accomplished; to alter the fees and penalties which may be assessed for failure to pay the proper toll; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Transportation.

HB 1191. By Representatives Benton of the 31st and Meadows of the 5th:

A BILL to be entitled an Act to amend Code Section 26-4-80 of the Official Code of Georgia Annotated, relating to dispensing prescription drugs, electronically transmitting drug orders, refills, and Schedule II controlled substance prescriptions, so as to require a practitioner to have the practitioner's name printed below his or her signature; to change certain provisions relating to requirements for transmitting prescriptions electronically or via facsimile; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 1192. By Representatives Willard of the 49th, Wilkinson of the 52nd, Geisinger of the 48th and Lindsey of the 54th:

A BILL to be entitled an Act to create the City of Sandy Springs Public Facilities Authority and to provide for the appointment of members of the authority; to confer powers upon the authority; to authorize the issuance of revenue bonds of the authority payable from the revenues, tolls, fees, charges, and earnings of the authority, contract payments to the authority, and from other moneys pledged therefor and to authorize the collection and pledging of the revenues, tolls, fees, charges, earnings, and contract payments of the authority for the payment of such revenue bonds; to authorize the execution of resolutions and trust indentures to secure the payment of the revenue bonds of the authority and to define the rights of the holders of such obligations; to make the revenue bonds of the authority exempt from taxation; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1193. By Representatives Knight of the 126th, Rice of the 51st, Coleman of the 97th, Ralston of the 7th and Talton of the 145th:

A BILL to be entitled an Act to amend Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to criminal offenses involving controlled substances, so as to prohibit owning or operating vehicles containing false or secret compartments; to prohibit installing false or secret compartments in a vehicle; to subject such vehicles to forfeiture; to provide a penalty for violations; to provide for related matters; to provide an

effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1194. By Representatives Lane of the 167th and Keen of the 179th:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for a special license plate supporting education on the maritime history of Georgia's coast; to provide for a portion of the revenue to go to The Georgia Maritime Foundation, Inc.; to provide for issuance, renewal, fees, licensing agreements, applications, and transfers relative to such special license plates; to provide for related matters; to provide a contingent effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 1195. By Representatives Willard of the 49th, Tumlin of the 38th, Wilkinson of the 52nd, Geisinger of the 48th, Lindsey of the 54th and others:

A BILL to be entitled an Act to amend Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to the "Georgia Civil Practice Act," so as to require complaints to be accompanied in filing with the civil case filing form; to require judgments to be accompanied in filing with the civil case disposition form; to change certain provisions relating to commencement of actions; to change certain provisions relating to entry of judgment; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1196. By Representatives Drenner of the 86th, Chambers of the 81st, Benfield of the 85th, Ashe of the 56th and Epps of the 128th:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 3 of the Official Code of Georgia Annotated, relating to general provisions relative to wine, so as to allow restaurant patrons to re-cork and remove a partially consumed bottle of wine that was purchased with a meal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

HB 1197. By Representative Lane of the 167th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Darien ad valorem taxes for municipal purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1198. By Representative Lane of the 167th:

A BILL to be entitled an Act to provide a homestead exemption from McIntosh County school district ad valorem taxes for educational purposes in the full amount of the assessed value of the homestead for residents of that school district who are 65 years of age or over and whose annual income does not exceed \$25,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1199. By Representative Lane of the 167th:

A BILL to be entitled an Act to provide that the probate judge of McIntosh County shall serve ex officio as chief magistrate of the Magistrate Court of McIntosh County on and after a date certain; to provide an effective date; to repeal certain Acts; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1200. By Representatives Dickson of the 6th, Maxwell of the 17th, Coleman of the 97th, Amerson of the 9th and Williams of the 4th:

A BILL to be entitled an Act to amend Part 7 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to HOPE scholarships and grants, so as to change certain eligibility requirements relating to HOPE teacher's scholarships; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Higher Education.

HB 1201. By Representatives Tumlin of the 38th, Golick of the 34th, Dollar of the 45th, Wix of the 33rd, Parsons of the 42nd and others:

A BILL to be entitled an Act to amend an Act creating a system of public schools for the City of Marietta in the County of Cobb, approved December 29, 1890 (Ga. L. 1890-91, Vol. II, p. 1014), as amended, so as to provide for compensation of the board; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1202. By Representatives Tumlin of the 38th, Golick of the 34th, Dollar of the 45th, Wix of the 33rd, Parsons of the 42nd and others:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, so as to change the provisions relating to the compensation of the chairperson and the other commissioners of the board; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

HB 1203. By Representatives Benfield of the 85th, Willard of the 49th, Amerson of the 9th, Lindsey of the 54th, Buckner of the 130th and others:

A BILL to be entitled an Act to amend Code Section 12-7-7 of the Official Code of Georgia Annotated, relating to permit or notice of intent required for land-disturbing activities, approval of application and issuance of permit, denial of permit, and bond requirement, so as to require that certain land disturbance fees paid to the Environmental Protection Division shall be deposited into a newly created nonlapsing trust fund to be used for administration of certain provisions relating to control of soil erosion and sedimentation; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HB 1204. By Representative Powell of the 29th:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes,

so as to exempt from such taxes sales to water and sewer authorities created by local law; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 1205. By Representatives Franklin of the 43rd, Stephens of the 164th, Rice of the 51st, Scott of the 2nd, Maxwell of the 17th and others:

A BILL to be entitled an Act to amend Code Section 40-2-86.3 of the Official Code of Georgia Annotated, relating to license plates commemorating Civil War battlefields and historic sites, so as to include the Sons of Confederate Soldiers license plate; to provide for a portion of the revenue to go to the Civil War Commission; to provide for issuance, renewal, fees, licensing agreements, applications, and transfers relative to such special license plates; to provide for related matters; to provide a contingent effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 1206. By Representatives Sims of the 169th and Hatfield of the 177th:

A BILL to be entitled an Act to amend Article 13 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to special provisions for certain vehicles, so as to provide rules for operating motor vehicles on the waters of this state; to provide for legislative findings; to provide for definitions; to provide for exemptions; to protect public recreational use of the waters of this state; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1207. By Representative Powell of the 29th:

A BILL to be entitled an Act to amend the "City of Hartwell Recreation Authority Act," approved April 4, 1996 (Ga. L. 1996, p. 3998), so as to authorize the Hartwell Recreation Authority to lease, sell, transfer, or otherwise dispose of real or tangible personal property owned by the authority; to provide for the disposition of proceeds resulting from the transfer of ownership interests of such property; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

- HB 1208. By Representatives Jones of the 44th, Tumlin of the 38th, Manning of the 32nd, Johnson of the 37th, Cooper of the 41st and others:

A BILL to be entitled an Act to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, approved February 9, 1949 (Ga. L. 1949, p. 427), as amended, so as to change the compensation of the deputy clerk of the superior court; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

- HB 1209. By Representatives Chambers of the 81st, Wilkinson of the 52nd and Watson of the 91st:

A BILL to be entitled an Act to amend Code Section 15-21-2 of the Official Code of Georgia Annotated, relating to payment into county treasuries of fines and forfeitures, so as to provide for payment of certain moneys arising from traffic fines generated by motorcycle enforcement to the Department of Public Safety for the maintenance and enhancement of the motorcycle enforcement program; to amend Article 2 of Chapter 13 of Title 40 of the Official Code of Georgia Annotated, relating to arrests, trials, and appeals relative to prosecution of misdemeanor traffic offenses, so as to provide for payment of certain moneys arising from traffic fines generated by motorcycle enforcement to the Department of Public Safety for the maintenance and enhancement of the motorcycle enforcement program; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

- HB 1210. By Representatives Heard of the 114th, Kidd of the 115th and Smith of the 113th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide for members of the board of the hospital authority of Clarke County," approved April 6, 1982 (Ga. L. 1982, p. 3705), so as to provide for staggered six-year terms for the members of such authority board; to provide for current membership; to provide for nominations for appointments; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs - Local.

- HB 1211. By Representatives Reese of the 98th, Lane of the 158th, Ralston of the 7th, Holt of the 112th, Crawford of the 127th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state symbols, so as to designate the Southern Appalachian brook trout as the official state cold water game fish; to provide for legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Game, Fish, & Parks.

- HB 1212. By Representatives Teilhet of the 40th, Brooks of the 63rd, Sims of the 151st, Bryant of the 160th, Borders of the 175th and others:

A BILL to be entitled an Act to amend Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and protection for children and youth, so as to enact the "PeachKids—Health Insurance for All Georgia Children Act"; to provide for a short title; to provide for definitions; to provide for the creation of the PeachKids health care insurance plan; to provide for eligibility, health care services, and payment of premiums and copayments; to provide for contracted services; to provide for health care provider enrollment; to provide for application for funding sources; to provide for rules and regulations; to provide for construction; to provide for an annual report; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

- HB 1213. By Representatives McCall of the 30th, Roberts of the 154th, Royal of the 171st, Rogers of the 26th, Powell of the 29th and others:

A BILL to be entitled an Act to amend Part 5 of Article 1 of Chapter 4 of Title 4 of the Official Code of Georgia Annotated, relating to live poultry dealers, brokers, and market operators, so as to provide for disposal of dead poultry in accordance with methods for disposal of dead animals generally; to prohibit certain slaughter of poultry on the premises of dealers, brokers, and sales establishments; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Agriculture & Consumer Affairs.

- HB 1214. By Representative Cummings of the 16th:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for a special license plate honoring all veterans who have served in the armed services of the United States; to provide for issuance, renewal, fees, licensing agreements, applications, and transfers relative to such special license plates; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 1215. By Representative Gardner of the 57th:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for a special license plate supporting research and education on amyotrophic lateral sclerosis (ALS); to provide for a portion of the revenue to go to the ALS Association of Georgia; to provide for issuance, renewal, fees, licensing agreements, applications, and transfers relative to such special license plates; to provide for related matters; to provide for a contingent effective date; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HR 1201. By Representatives Franklin of the 43rd, Stephens of the 164th, Rice of the 51st, Scott of the 2nd, Maxwell of the 17th and others:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to provide for dedication of certain revenue derived from fees from the sale of specially designed license plates commemorating the Sons of Confederate Veterans; to provide for related matters; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Motor Vehicles.

HR 1223. By Representatives Jacobs of the 80th and Powell of the 29th:

A RESOLUTION proposing an amendment to the Constitution so as to provide that all records and meetings of any government, authority, or private corporation performing a public purpose shall be open to the public; to

provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Judiciary.

By unanimous consent, the rules were suspended in order that the following Bills of the House could be introduced, read the first time and referred to the Committees:

HB 1222. By Representatives Hatfield of the 177th, Fleming of the 117th, Ralston of the 7th, Bearden of the 68th, Byrd of the 20th and others:

A BILL to be entitled an Act to provide a comprehensive revision, modernization, and reform of the laws of this state relating to operating motor vehicles while under the influence of alcohol, drugs, or other substances; to amend Title 40 of the O.C.G.A., relating to motor vehicles and traffic, so as to provide legislative intent; to prohibit the operation of motor vehicles in this state while under the influence of alcohol, drugs, or other substances; to provide for implied consent to chemical testing; to provide definitions; to provide for chemical testing of persons suspected of driving under the influence of alcohol, drugs, or other substances; to provide for the procedures to obtain and perform such tests; to provide for the administration of certain warnings with regard to such tests; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1238. By Representatives Rice of the 51st, Mills of the 25th, Ehrhart of the 36th, Hill of the 21st, Coan of the 101st and others:

A BILL to be entitled an Act to amend Article 11 of Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to records and reports of currency transactions, so as to provide for an illegal immigrant fee with respect to money received for wire transmission; to provide for a short title; to provide for procedures, conditions, and limitations; to provide for exceptions; to provide for legislative intent; to prohibit certain conduct to avoid or evade such fee; to provide for criminal penalties; to provide for powers, duties, and authority of the commissioner of banking and finance with respect to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Banks & Banking.

HB 1239. By Representatives Setzler of the 35th, Keen of the 179th, Thomas of the 55th, Maxwell of the 17th, May of the 111th and others:

A BILL to be entitled an Act to amend Part 2 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to competencies and core curriculum for elementary and secondary students under the "Quality Basic Education Act," so as to require annual instruction in certain grades in criminal law in Georgia as it relates to school-aged children; to provide for legislative findings; to provide for a minimum course of study established by the State Board of Education; to provide for a manual; to provide for rules and regulations; to provide for time frames; to provide for construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HB 1240. By Representatives Coan of the 101st, Butler of the 18th, Knox of the 24th, Horne of the 71st, Cox of the 102nd and others:

A BILL to be entitled an Act to amend Chapter 9 of Title 34 of the O.C.G.A., relating to workers' compensation, so as provide that the employer must provide notice to the employee within 60 days of the employee's release to return to work with restrictions or limitations; to provide that an employee must submit charges within one year of the date of incurring mileage expenses or the right to collect such charges shall be deemed to be waived; to increase the maximum death benefit to \$150,000.00 for the surviving spouse who is the sole dependent at the time of the employee's death; to require that physicians treating workers' compensation claimants comply with provisions against self-referral; to make a conforming amendment to Chapter 1B of Title 43 of the O.C.G.A., relating to patient self-referral; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Industrial Relations.

By unanimous consent, the following Bills and Resolutions of the House and Senate were read the second time:

HB 1158
HB 1159
HB 1160
HB 1161
HB 1162
HB 1163

HB 1176
HB 1177
HB 1179
HB 1180
HB 1181
HB 1182

HB 1164	HB 1183
HB 1165	HB 1184
HB 1166	HB 1185
HB 1167	HB 1186
HB 1168	HB 1187
HB 1169	HB 1188
HB 1170	HB 1189
HB 1171	HR 1174
HB 1172	HR 1175
HB 1173	HR 1195
HB 1174	HR 1198
HB 1175	SB 390

The following Resolution of the House, referred to the House Rules Subcommittee on Invites, was reported by the Committee on Rules with the following recommendation:

HR 1197 Do Pass

Representative Smith of the 168th District, Chairman of the Committee on State Planning and Community Affairs, submitted the following report:

Mr. Speaker:

Your Committee on State Planning and Community Affairs - Local Legislation has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 1142 Do Pass
HB 1143 Do Pass
HB 1155 Do Pass

Respectfully submitted,
/s/ Smith of the 168th
Chairman

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR
THURSDAY, FEBRUARY 2, 2006

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 12th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

HB 594 Bail bonds; fees of sureties
HB 692 Probation; terms and conditions; amend
HB 1052 Motor vehicles; distinguishable transporter license plate; provisions

Modified Open Rule

None

Modified Structured Rule

HB 1042 Annual accounting periods; treatment of taxable years; amend provisions

Structured Rule

HB 1080 Income tax credit; qualified child and dependent care expenses; provide

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Ehrhart of the 36th
Chairman

By unanimous consent, the following Bills of the House were taken up for consideration and read the third time:

HB 1142. By Representative Greene of the 149th:

A BILL to be entitled an Act to provide for the filling of vacancies in the office of sheriff of Seminole County; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1155. By Representative Sims of the 169th:

A BILL to be entitled an Act to amend an Act creating the Board of Education of Coffee County, approved March 10, 1970 (Ga. L. 1970, p.

2441), as amended, so as to provide for the selection of a chairperson and vice chairperson; to provide that such chairperson and vice chairperson shall serve terms of one year; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

By unanimous consent, the following roll call vote was made applicable to the previously read Bills.

On the passage of the Bills, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Crawford	E Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Holmes	Y Maxwell	Y Scheid
Anderson	Y Davis	Y Holt	May	Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Sheldon
Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Brooks	Y Fleming	Y Johnson	Y Murphy, J	E Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Smith, V
Bruce	Y Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Y Jordan	Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Teilhet
Y Burns	Y Geisinger	Y Knox	Parsons	Y Thomas, A.M
Y Butler	Golick	Y Lakly	Y Porter	E Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Y Ray	Y Watson
Channell	Y Harbin	Y Lord	Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Mangham	Y Rogers	Y Wix
Cooper	Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Marin	Y Rynders	Richardson, Speaker

On the passage of the Bills, the ayes were 138, nays 0.

The Bills, having received the requisite constitutional majority, were passed.

HB 1143. By Representative Porter of the 143rd:

A BILL to be entitled an Act to amend an Act reconstituting the board of education of the City of Dublin, approved April 5, 1993 (Ga. L. 1993, p. 4970), as amended, so as to provide certain additional authority to the board with respect to real estate transactions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Crawford	E Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Holmes	Y Maxwell	Y Scheid
Anderson	Y Davis	Y Holt	May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Sheldon
Beasley-Teague	Dollar	Hugley	Y Mills	Y Sims, C
Y Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Y Mosby	Y Smith, L
Y Borders	Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Fleming	Y Johnson	Y Murphy, J	E Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Floyd, J	Y Jones, S	Y Neal	Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Forster	Y Keen	O'Neal	Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	E Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix

Cooper
Y Cox

Henson
Y Hill, C

Y Manning
Marin

Y Royal
Y Rynders

Y Yates
Richardson,
Speaker

On the passage of the Bill, the ayes were 142, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representative Graves of the 12th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

The following message was received from the Senate through Mr. Eldridge, the Secretary thereof:

Mr. Speaker:

The Senate has adopted by the requisite constitutional majority the following resolutions of the Senate:

SR 686. By Senator Schaefer of the 50th:

A RESOLUTION designating the J. Alton Wingate, Sr., Memorial Parkway; and for other purposes.

SR 761. By Senators Thomas of the 54th and Mullis of the 53rd:

A RESOLUTION commending Cohutta First Baptist Church and congratulating it on its 100th anniversary; and for other purposes.

SR 782. By Senators Johnson of the 1st, Williams of the 19th, Hill of the 4th, Douglas of the 17th, Harbison of the 15th and others:

A RESOLUTION calling a joint session of the House of Representatives and the Senate for the purpose of hearing a message from Major General William G. Webster, Jr.; and for other purposes.

The following members were recognized during the period of Morning Orders and addressed the House:

Martin of the 47th, Murphy of the 120th, Williams of the 165th, Hugley of the 133rd, Geisinger of the 48th, Buckner of the 76th, Forster of the 3rd, Bridges of the 10th, and Jackson of the 161st.

The following Resolution of the House, favorably reported by the Committee on Rules, was read and adopted:

HR 1197. By Representative Stephens of the 164th:

A RESOLUTION commending Jackie R. Griffin, DPA and inviting him to appear before the House of Representatives; and for other purposes.

The following Resolutions of the House were read and referred to the Committee on Rules:

HR 1230. By Representatives Cox of the 102nd, Walker of the 107th, Casas of the 103rd and Rice of the 51st:

A RESOLUTION congratulating the Parkview High School wrestling team on winning the 2006 AAAAA State Duals Championship and inviting its members to appear before the House of Representatives; and for other purposes.

HR 1231. By Representatives Cox of the 102nd, Coan of the 101st, Casas of the 103rd and Rice of the 51st:

A RESOLUTION commending Parkview High School Coach Cecil Flowe and inviting him to appear before the House of Representatives; and for other purposes.

The Speaker Pro Tem assumed the Chair.

Under the general order of business, established by the Committee on Rules, the following Bills of the House were taken up for consideration and read the third time:

HB 1080. By Representatives Golick of the 34th, Roberts of the 154th, Geisinger of the 48th, Freeman of the 140th, Chambers of the 81st and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to provide for an income tax credit with respect to qualified child and dependent care expenses; to provide for conditions and limitations; to provide for powers, duties, and authority of the state revenue commissioner with respect to the foregoing; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Shaw
Y Bearden	Y Dodson	Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Drenner	Y Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Sinkfield
Y Black	Y Ehrhart	James	Y Morris	Smith, B
Y Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	E Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	E Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 154, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representative Graves of the 12th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

The Speaker assumed the Chair.

HB 1052. By Representatives Murphy of the 23rd, Rice of the 51st and Beasley-Teague of the 65th:

A BILL to be entitled an Act to amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles, so as to provide for a distinguishable transporter license plate; to amend Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used motor vehicle and used motor vehicle parts dealers, so as to provide for definitions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles, so as to provide for a distinguishable transporter license plate; to amend Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used motor vehicle and used motor vehicle parts dealers, so as to provide for definitions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles, is amended by striking Code Section 40-2-38, relating to registration and licensing of dealers, manufacturers, and persons transporting motor vehicles and mobile homes, in its entirety and inserting in its place the following:

"40-2-38.

(a)(1) Manufacturers, distributors, and dealers engaged in the manufacture, sale, or leasing of vehicles required to be registered under Code Section 40-2-20 shall register with the commissioner, making application for a distinguishing dealer's number, specifying the name and make of motor vehicle, tractor, or trailer manufactured, sold, or leased by them, upon forms prepared by the commissioner for such purposes, and pay therefor a fee of \$62.00, which shall accompany such application. Upon payment of such fee by a dealer, the commissioner shall furnish to the dealer one master number plate to expire December 31 of each year, to be known as a dealer's number and to be distinguished from the number plates provided for in this chapter by different and distinguishing colors to be determined by the commissioner. The dealer plate for a franchise motor vehicle dealer shall be distinguishable from the dealer plate for a used car dealer and from the dealer plate for a motor vehicle wholesaler. A

dealer's number plate is for the purpose of demonstrating or transporting dealer's vehicles or trailers for sale or lease. Persons engaged in the business of transporting vehicles for a dealer under a vehicle's own power shall be permitted to use such dealer's plate for the purpose of transporting a vehicle.

~~(1)~~(2) No dealer may use or permit to be used a dealer's number for private use or on cars for hire, for lease, or other manner not provided for in this Code section. A dealer may use or permit to be used a dealer's number for private use on vehicles owned by the dealership, regardless of whether such vehicle has been issued a certificate of title or registered, when such vehicles are operated by an employee or corporate officer of the dealer which has been issued such number. A distinguishing dealer's number used by an employee or officer for private use shall authorize such person to operate the vehicle to which the number is attached on the public highways and streets. For purposes of this paragraph, 'employee' means a person who works a minimum of 36 hours per week at the dealership.

~~(2)~~(3) The manufacturer's or distributor's license plate is limited to no longer than six months' use per vehicle. Upon payment of such a fee by a manufacturer or distributor, the commissioner shall issue to manufacturers and distributors number plates with the word 'Manufacturer' or 'Distributor' on such plates. Nothing in this subsection shall preclude a manufacturer or distributor from using a 'Manufacturer' or 'Distributor' number plate on motor vehicles it owns when such vehicles are used for evaluation or demonstration purposes, notwithstanding incidental personal use by a manufacturer or distributor. A dealer may apply for one or more distinguishing dealer's numbers. In the event the dealers, distributors, or manufacturers desire more than one tag, they shall so state on the application, and, in addition to the fee of \$62.00 provided in this Code section, shall pay \$12.00 for each and every additional number plate furnished.

(b) Dealer plates shall be issued in the following manner:

(1) Dealers shall be issued a master plate and two additional plates, for a total of three initial plates; and

(2) In addition to the three dealer plates issued in accordance with paragraph (1) of this subsection, each dealer may also be issued one additional dealer plate for every 20 ~~retail~~ units sold in a calendar year.

In order to determine the additional number and classification of plates to be issued to a dealer, a dealer shall be required to certify by affidavit to the department the number of retail and wholesale units sold in the prior calendar year using the past motor vehicle sales history of the dealer as identified by department records of documentation approved by the department. If no sales history is available, the department shall issue a number of plates based on an estimated number of sales for the coming calendar year. The department may, in its discretion, request documentation supporting sales history and may increase or decrease the number and classification of plates issued based on actual sales.

~~(c) Persons engaged in the business of transporting mobile homes and house trailers for others shall likewise be entitled to obtain license plates under this Code section. The~~

~~commissioner is authorized to promulgate rules and regulations covering the issuance of plates to such persons; provided, however, this Code section shall not apply in any manner to farm tractors.~~

~~(d)~~(c) This Code section shall not apply in any manner to mopeds as such term is defined in Code Section 40-1-1.

~~(e)~~(d) The license plates issued pursuant to this Code section shall be revoked and confiscated upon a determination after a hearing that such dealer, distributor, or manufacturer, ~~or person engaged in transporting mobile homes and house trailers~~ has unlawfully used such license plates in violation of this Code section.

~~(f)~~(e) If a license plate issued pursuant to this Code section is lost or stolen, the dealer, manufacturer, distributor, or other party to whom the license plate was issued must immediately report the lost or stolen plate to local law enforcement agencies. If a replacement license plate is sought, the dealer, manufacturer, distributor, or other party to whom the license plate was issued shall file a notarized affidavit with the department requesting a replacement plate. Such affidavit shall certify under penalty of perjury that the license plate has been lost or stolen and that the loss has been reported to a local law enforcement agency."

SECTION 2.

Said article is further amended by inserting a new Code section immediately following Code Section 40-2-38, relating to registration and licensing of dealers, manufacturers, and persons transporting motor vehicles and mobile homes, to read as follows:

"40-2-38.1.

(a) A person engaged in the business of the limited operation of a motor vehicle for any of the following purposes may obtain a transporter plate authorizing the movement of the vehicle for the specific purpose:

- (1) To facilitate the delivery of new or used motor vehicles, trucks, or buses between manufacturers, distributors, dealers, sellers, or purchasers;
- (2) To move a mobile office, a mobile classroom, a mobile or manufactured home, or a house trailer;
- (3) To drive a motor vehicle that is part of the inventory of a dealer to and from a motor vehicle trade show or exhibition or to, during, and from a parade in which the motor vehicle is used; or
- (4) To drive special mobile equipment in any of the following circumstances:
 - (A) From the manufacturer of the equipment to a facility of a dealer; or
 - (B) From one facility of a dealer to another facility of a dealer.

(b) This Code section shall not be construed to require a motor vehicle dealer to obtain transporter plates in order to transport vehicles for sale or lease.

(c) A person may obtain a transporter plate by filing an application with the Department of Revenue and paying the required fee. The fee for an initial transporter plate shall be \$62.00 and the fee for all additional plates shall be \$12.00. An application for a transporter plate must be on a form provided by the department and

must contain the information required by the department. The department is authorized to promulgate regulations consistent with this Code section.

(d) Transporter plates issued under this Code section shall be distinguishable from dealer, wholesaler, manufacturer, or distributor plates, as provided for in Code Section 40-2-38.

(e) During the year for which it is issued, a person may transfer a transporter plate from one vehicle to another so long as the vehicle is driven only for a purpose authorized by subsection (a) of this Code section. In order to obtain a transporter plate, an applicant must demonstrate to the department compliance with all applicable federal and state laws.

(f) The license plates issued pursuant to this Code section shall be revoked and confiscated upon a determination after a hearing that an applicant has unlawfully used such license plates for purposes other than those expressly permitted by this Code section.

(g) If a license plate issued pursuant to this Code section is lost or stolen, the dealer, manufacturer, distributor, or other party to whom the license plate was issued must immediately report the lost or stolen plate to local law enforcement agencies. If a replacement license plate is sought, the dealer, manufacturer, distributor, or other party to whom the license plate was issued shall file a notarized affidavit with the department requesting a replacement plate. Such affidavit shall certify under penalty of perjury that the license plate has been lost or stolen and that the loss has been reported to a local law enforcement agency.

(h) This Code section shall not in any way apply to farm tractors."

SECTION 3.

Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used motor vehicle and used motor vehicle parts dealers, is amended in Code Section 43-47-2, relating to definitions relative to the Used Motor Vehicle Dealers' and Used Motor Vehicle Parts Dealers' Registration Act, by striking subparagraph (A) of paragraph (17) and inserting in lieu thereof a new subparagraph (A) and a new paragraph (19) to read as follows:

"(17)(A) 'Used motor vehicle dealer,' 'used car dealer,' or 'licensee' means any person who, for commission or with intent to make a profit or gain of money or other thing of value, sells, exchanges, rents with option to purchase, offers, or attempts to negotiate a sale or exchange of an interest in used motor vehicles or who is engaged wholly or in part in the business of selling used motor vehicles, whether or not such motor vehicles are owned by such person. A motor vehicle wholesaler and a motor vehicle broker shall be deemed to be a used motor vehicle dealer or a used car dealer for the purposes of this chapter. Any independent motor vehicle leasing agency which sells or offers for sale used motor vehicles shall be deemed to be a used motor vehicle dealer or a used car dealer for the purposes of this chapter. Any motor vehicle auction company selling or offering for sale used motor vehicles to independent motor vehicle dealers or to individual consumers shall be deemed to

be a used motor vehicle dealer or used car dealer for the purposes of this chapter except as otherwise provided in division (x) of subparagraph (B) of this paragraph. Without limiting any of the foregoing, the sale of five or more used motor vehicles in any one calendar year shall be prima-facie evidence that a person is engaged in the business of selling used motor vehicles. Financial institutions as used in this chapter shall not include a pawnbroker as defined in Code Section 44-12-130; provided, however, that a pawnbroker who disposes of all repossessed motor vehicles by selling or exchanging his or her interest in such motor vehicles only to licensees under this chapter shall not be considered a used motor vehicle dealer under this chapter as long as such pawnbroker does not otherwise engage in activities which would bring him or her under the licensing requirements of this chapter."

"(19) 'Wholesaler' means a person who sells or distributes used motor vehicles to motor vehicle dealers in this state, has a sales representative in this state, or controls any person who offers for sale, sells, or distributes any used motor vehicles to motor vehicle dealers in this state."

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Crawford	Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Y Benfield	Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Morgan	Sinkfield
Y Black	Y Ehrhart	James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	E Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre

Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Stephens
Y Buckner, G	Y Franklin	Y Keown	Y Orrock	Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	E Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, the ayes were 156, nays 0.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

HB 594. By Representatives Maxwell of the 17th, Hembree of the 67th, Heckstall of the 62nd, Murphy of the 23rd and Randall of the 138th:

A BILL to be entitled an Act to amend Code Section 17-6-30 of the Official Code of Georgia Annotated, relating to fees of sureties, so as to change the basis of the bondsmen's fees; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL

To amend Code Section 17-6-30 of the Official Code of Georgia Annotated, relating to fees of sureties, so as to change the basis of the bondsmen's fees; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 17-6-30 of the Official Code of Georgia Annotated, relating to fees of sureties, is amended by striking subsection (a) and inserting in lieu thereof the following:

"(a) Sureties on criminal bonds in any court shall not charge or receive more than 12 percent of the ~~principal amount of bonds~~ face amount of the bond set in the amount of \$10,000.00 or less, which amount includes the principal and all applicable surcharges, and shall not charge or receive more than 15 percent of the ~~principal amount of bonds~~ face amount of the bond set in an amount in excess of \$10,000.00, which amount includes the principal and all applicable surcharges, as compensation from defendants or from anyone acting for defendants."

SECTION 2.

All laws and parts of laws in conflict with this Act are repealed.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
N Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
N Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
N Beasley-Teague	Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	N Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
N Brooks	Y Fleming	Y Johnson	Y Murphy, J	E Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Bruce	Floyd, J	N Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	N Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
N Buckner, G	Y Franklin	Y Keown	N Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	N Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	N Lakly	Y Porter	E Thomas, B
Y Byrd	Y Graves, D	Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	N Wix

Y Cooper
Y Cox

Henson
Y Hill, C

Y Manning
Y Marin

Y Royal
Y Rynders

Y Yates
Richardson,
Speaker

On the passage of the Bill, by substitute, the ayes were 146, nays 12.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

Representative Kidd of the 115th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 1042. By Representatives Williams of the 4th, Dickson of the 6th and Forster of the 3rd:

A BILL to be entitled an Act to amend Code Section 48-7-33 of the Official Code of Georgia Annotated, relating to annual accounting periods, so as to provide for treatment of 52-53 week taxable years; to provide for powers, duties, and authority of the state revenue commissioner; to provide for applicability; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B
Y Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	E Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Gardner	Y Knight	Y Parrish	Y Teilhet

Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Golick	Y Lakly	Y Porter	E Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	Y Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Y Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 160, nays 0.

The Bill, having received the requisite constitutional majority, was passed.

Representatives Lindsey of the 54th and Lucas of the 139th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

HB 692. By Representatives Black of the 174th, Hatfield of the 177th, Greene of the 149th, Sims of the 169th, Shaw of the 176th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to the state-wide probation system, so as to change certain provisions relating to terms and conditions of probation; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	Sailor
Y Amerson	Y Cummings	Y Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
Y Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	Y Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
Benfield	Y Drenner	Jackson	Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	Y Morgan	Y Sinkfield
Y Black	Y Ehrhart	Y James	Y Morris	Y Smith, B

Bordeaux	Y England	Y Jamieson	Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Y Mumford	Y Smith, R
Y Brooks	Y Fleming	Y Johnson	Y Murphy, J	E Smith, T
Y Brown	Y Floyd, H	Jones, J	Y Murphy, Q	Y Smith, V
Y Bruce	Y Floyd, J	Y Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	Y Jordan	Y Oliver	Y Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Stephens
Y Buckner, G	Y Franklin	Y Keown	Orrock	Y Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Y Parham	Y Talton
Y Burmeister	Y Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	Y Porter	E Thomas, B
Y Byrd	Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	Y Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	Y Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Y Rice	Y Williams, E
Y Coleman, B	N Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	Mangham	Y Rogers	Y Wix
Y Cooper	Y Henson	Y Manning	Y Royal	Y Yates
Y Cox	Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, the ayes were 161, nays 1.

The Bill, having received the requisite constitutional majority, was passed.

The following Resolution of the Senate was read and adopted:

SR 782. By Senators Johnson of the 1st, Williams of the 19th, Hill of the 4th, Douglas of the 17th, Harbison of the 15th and others

A RESOLUTION

Calling a joint session of the House of Representatives and the Senate for the purpose of hearing a message from Major General William G. Webster, Jr.; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that Major General William G. Webster, Jr., Commanding General of the 3rd Infantry Division, is hereby invited to address a joint session of the House of Representatives and the Senate at 11:30 A.M., Wednesday, February 8, 2006, in the hall of the House of Representatives.

BE IT FURTHER RESOLVED that a joint session of the House of Representatives and the Senate be held in the hall of the House of Representatives at 11:15 A.M. on the aforesaid date for the purpose of hearing an address from General Webster.

BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to General Webster.

The following Resolutions of the House were read and referred to the Committee on Rules:

HR 1233. By Representatives McCall of the 30th, England of the 108th, Roberts of the 154th and Crawford of the 127th:

A RESOLUTION recognizing and commending the Georgia Farm Bureau Federation and inviting its president to appear before the House of Representatives; and for other purposes.

HR 1238. By Representatives Hembree of the 67th, Harbin of the 118th, Warren of the 122nd, Smith of the 113th, Howard, E. of the 121st and others:

A RESOLUTION commending Kimberly Wilson, winner of the 2005 Georgia Occupational Award of Leadership, and inviting her to appear before the House of Representatives; and for other purposes.

HR 1239. By Representatives Hembree of the 67th, Smith of the 168th, Shaw of the 176th, Smith of the 113th, Hatfield of the 177th and others:

A RESOLUTION recognizing and commending Gerald Moody, winner of the 2005 Rick Perkins Award for Excellence in Technical Instruction, and inviting him to appear before the House of Representatives; and for other purposes.

HR 1240. By Representatives Abdul-Salaam of the 74th, Jordan of the 77th, Williams of the 89th, Reece of the 11th, Talton of the 145th and others:

A RESOLUTION commending the students of 21st Century Leaders, recognizing "21st Century Leaders Day" at the Capitol, and inviting the Georgia House of Representatives to participate in 21st Century Leaders Day at the Capitol; and for other purposes.

HR 1241. By Representatives Murphy of the 120th, Richardson of the 19th, Brooks of the 63rd, Williams of the 165th, Porter of the 143rd and others:

A RESOLUTION expressing regret at the passing of State Representative Henry Howard and inviting his family to appear before the House of Representatives; and for other purposes.

The following supplemental Rules Calendar was read and adopted:

HOUSE SUPPLEMENTAL RULES CALENDAR
THURSDAY, FEBRUARY 2, 2006

Mr. Speaker and Members of the House:

Your Committee on Rules has met and submits the following supplemental to the calendar already adopted this February 02, 2006, by adding the following:

DEBATE CALENDAR

HB 1059 Sexual offenders; punishment; registration requirements; change provisions

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Ehrhart of the 36th
Chairman

Under the general order of business, established by the Committee on Rules, the following Bill of the House was taken up for consideration and read the third time:

HB 1059. By Representatives Keen of the 179th, Ralston of the 7th, Burkhalter of the 50th, Freeman of the 140th, Thomas of the 55th and others:

A BILL to be entitled an Act to amend Titles 16, 17, 35, and 42 of the O.C.G.A., relating respectively to crimes and offenses, criminal procedure, law enforcement officers and agencies, and penal institutions, so as to change provisions relating to sexual offenders; to change punishment provisions, registration requirements, and areas where certain offenders can reside as it affects sexual offenders; to change certain provisions relating to punishment of serious violent offenders and increase the mandatory minimum term of imprisonment for certain offenses; to require persons convicted of certain sexual crimes to receive a mandatory split sentence including a minimum sentence of imprisonment; to reorganize and change provisions related to the State Sexual Offender Registry; to provide for other related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and withdrawn:

A BILL

To amend Titles 16, 17, 35, and 42 of the Official Code of Georgia Annotated, relating respectively to crimes and offenses, criminal procedure, law enforcement officers and agencies, and penal institutions, so as to change provisions relating to sexual offenders; to change punishment provisions, registration requirements, and residency requirements for sexual offenders; to provide for legislative findings; to change punishment provisions related to aggravated assault with the intent to rape; to change punishment provisions related to kidnapping; to change punishment provisions related to false imprisonment; to change punishment provisions related to rape; to change certain provisions relating to sodomy and aggravated sodomy; to provide for lesser punishment for certain sexual offenses committed by persons of certain ages; to change certain provisions relating to statutory rape; to change certain provisions relating to child molestation and aggravated child molestation; to change certain provisions relating to enticing a child for indecent purposes; to change certain provisions relating to persons convicted of sexual assault against persons in custody; to change certain provisions relating to incest; to change certain provisions relating to sexual battery; to change certain provisions relating to aggravated sexual battery; to allow for judicial discretion for mandatory minimum sentences under certain circumstances; to create a new crime involving withholding information concerning a sexual offender and provide for penalties; to change a provision relating to the fixing of a sentence by a judge; to change certain provisions relating to punishment of serious violent offenders and increase the mandatory minimum term of imprisonment for certain offenses; to require persons convicted of certain sexual crimes to receive a mandatory split sentence including a minimum sentence of imprisonment; to add a provision relating to statutory aggravating circumstances for the imposition of the death penalty; to require the Georgia Crime Information Center to collect certain data; to reorganize and change provisions related to the State Sexual Offender Registry; to change and add certain definitions; to change provisions relating to registration requirements for sexual offenders; to provide for an annual registration fee; to provide that sexual offenders register prior to release from prison; to require each sheriff to maintain and update a list of all sexual offenders residing in the county; to provide for duties and responsibilities for sheriffs, the Department of Corrections, the Georgia Bureau of Investigation, and sexual offenders; to require registered sexual offenders to verify required registration information with the sheriff whenever any changes occur to certain information and verify information at least annually within 72 hours of the sexual offender's birthday; to increase the duration for registration requirement; to require the sheriff to notify certain people and entities of the presence of sexual offenders in their community; to increase punishment for failure to comply with registration requirements; to change the appointing authority for the Sexual Offender Registration Review Board; to require the Sexual Offender Registration Review Board to classify sexual offenders; to require sexually dangerous predators to wear an electronic monitoring device for the balance of his or her life and to pay for such device; to require sexually dangerous predators to update required registration information twice yearly; to provide for employment restrictions for sexual offenders; to prohibit sexual offenders from loitering in certain locations; to correct cross-references; to change provisions relating to sexual

offenders conditions for parole; to change provisions relating to chemical treatment and counseling as a condition of parole for child molesters; to provide for other related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The General Assembly finds and declares that recidivist sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Many sexual offenders are extremely likely to use physical violence and to repeat their offenses; and some sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. The General Assembly finds that this makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant. The General Assembly further finds that the high level of threat that a sexual predator presents to the public safety, and the long-term effects suffered by victims of sex offenses, provide the state with sufficient justification to implement a strategy that includes:

- (1) Incarcerating sexual offenders and maintaining adequate facilities to ensure that decisions to release sexual predators into the community are not made on the basis of inadequate space;
- (2) Requiring the registration of sexual offenders, with a requirement that complete and accurate information be maintained and accessible for use by law enforcement authorities, communities, and the public;
- (3) Providing for community and public notification concerning the presence of sexual offenders;
- (4) Collecting data relative to sexual offenses and sexual offenders;
- (5) Requiring sexual predators who are released into the community to wear electronic monitoring devices for the rest of their natural life and to pay for such device; and
- (6) Prohibiting sexual predators from working with children, either for compensation or as a volunteer.

The General Assembly further finds that the state has a compelling interest in protecting the public from sexual offenders and in protecting children from predatory sexual activity, and there is sufficient justification for requiring sexual offenders to register and for requiring community and public notification of the presence of sexual offenders. The General Assembly declares that in order to protect the public, it is necessary that the sexual offenders be registered and that members of the community and the public be notified of a sexual offender's presence. The designation of a person as a sexual offender is neither a sentence nor a punishment but simply a regulatory mechanism and status resulting from the conviction of certain crimes. Likewise, the designation of a person as a sexual predator is neither a sentence nor a punishment but simply a regulatory

mechanism and status resulting from findings by the Sexual Offender Registration Review Board and a court if requested by a sexual offender.

SECTION 2.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by striking Code Section 16-5-21, relating to aggravated assault, and inserting in lieu thereof the following:

"16-5-21.

(a) A person commits the offense of aggravated assault when he or she assaults:

(1) With intent to murder, to rape, or to rob;

(2) With a deadly weapon or with any object, device, or instrument which, when used offensively against a person, is likely to or actually does result in serious bodily injury; or

(3) A person or persons without legal justification by discharging a firearm from within a motor vehicle toward a person or persons.

(b) Except as provided in subsections (c) through ~~(i)~~ (j) of this Code section, a person convicted of the offense of aggravated assault shall be punished by imprisonment for not less than one nor more than 20 years.

(c) A person who knowingly commits the offense of aggravated assault upon a peace officer while the peace officer is engaged in, or on account of the performance of, his or her official duties shall, upon conviction thereof, be punished by imprisonment for not less than five nor more than 20 years.

(d) Any person who commits the offense of aggravated assault against a person who is 65 years of age or older shall, upon conviction thereof, be punished by imprisonment for not less than three nor more than 20 years.

(e)(1) As used in this subsection, the term 'correctional officer' shall include superintendents, wardens, deputy wardens, guards, and correctional officers of state, county, and municipal penal institutions who are certified by the Georgia Peace Officer Standards and Training Council pursuant to Chapter 8 of Title 35 and employees of the Department of Juvenile Justice who are known to be employees of the department or who have given reasonable identification of their employment. The term 'correctional officer' shall also include county jail officers who are certified or registered by the Georgia Peace Officer Standards and Training Council pursuant to Chapter 8 of Title 35.

(2) A person who knowingly commits the offense of aggravated assault upon a correctional officer while the correctional officer is engaged in, or on account of the performance of, his or her official duties shall, upon conviction thereof, be punished by imprisonment for not less than five nor more than 20 years.

(f) Any person who commits the offense of aggravated assault in a public transit vehicle or station shall, upon conviction thereof, be punished by imprisonment for not less than three nor more than 20 years. For purposes of this Code section, 'public transit vehicle' has the same meaning as in subsection (c) of Code Section 16-5-20.

(f.1) Any person who commits the offense of aggravated assault upon a person in the course of violating Code Section 16-8-2 where the property that was the subject of the theft was a vehicle engaged in commercial transportation of cargo or any appurtenance thereto, including without limitation any such trailer, semitrailer, container, or other associated equipment, or the cargo being transported therein or thereon, shall upon conviction be punished by imprisonment for not less than five years nor more than 20 years, a fine not less than \$50,000.00 nor more than \$200,000.00, or both such fine and imprisonment. For purposes of this subsection, the term 'vehicle' includes without limitation any railcar.

(g) A person convicted of an offense described in paragraph (3) of subsection (a) of this Code section shall be punished by imprisonment for not less than five nor more than 20 years.

(h) Any person who commits the offense of aggravated assault involving the use of a firearm upon a student or teacher or other school personnel within a school safety zone as defined in paragraph (1) of subsection (a) of Code Section 16-11-127.1 shall, upon conviction thereof, be punished by imprisonment for not less than five nor more than 20 years.

(i) If the offense of aggravated assault is committed between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons excluding siblings living or formerly living in the same household, the defendant shall be punished by imprisonment for not less than three nor more than 20 years.

(j) Any person who commits the offense of aggravated assault with intent to rape against a child under the age of 14 years shall be punished by imprisonment for not less than 25 nor more than 50 years. Any person convicted under this subsection shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

SECTION 3.

Said title is further amended by striking Code Section 16-5-40, relating to kidnapping, and inserting in lieu thereof the following:

"16-5-40.

(a) A person commits the offense of kidnapping when he abducts or steals away any person without lawful authority or warrant and holds such person against his will.

(b) A person convicted of the offense of kidnapping shall be punished by:

(1) Imprisonment ~~imprisonment~~ for not less than ten nor more than 20 years; ~~provided that a person convicted of the offense of kidnapping for ransom shall be punished by~~ if the kidnapping involved a victim who was 14 years of age or older;

(2) Imprisonment for not less than 25 nor more than 50 years if the kidnapping involved a victim who is less than 14 years of age;

(3) Life ~~life imprisonment or by death and provided, further, that, if the person kidnapped shall have received bodily injury, the person convicted shall be punished by~~ if the kidnapping was for ransom; or

(4) Life life imprisonment or by death if the person kidnapped received bodily injury.
(c) Any person convicted under this Code section shall, in addition, be subject to the sentencing and punishment provisions of Code Sections 17-10-6.1 and 17-10-7."

SECTION 4.

Said title is further amended by striking Code Section 16-5-41, relating to false imprisonment, and inserting in lieu thereof the following:

"16-5-41.

(a) A person commits the offense of false imprisonment when, in violation of the personal liberty of another, he arrests, confines, or detains such person without legal authority.

(b) A person convicted of the offense of false imprisonment shall be punished by imprisonment for not less than one nor more than ten years.

(c) Any person convicted under this Code section wherein the victim is not the child of the defendant and the victim is less than 14 years of age shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

SECTION 5.

Said title is further amended by striking Code Section 16-6-1, relating to rape, and inserting in lieu thereof the following:

"16-6-1.

(a) A person commits the offense of rape when he has carnal knowledge of:

(1) A female forcibly and against her will; or

(2) A female who is less than ten years of age.

Carnal knowledge in rape occurs when there is any penetration of the female sex organ by the male sex organ. The fact that the person allegedly raped is the wife of the defendant shall not be a defense to a charge of rape.

(b) A person convicted of the offense of rape shall be punished by death, by imprisonment for life without parole, by imprisonment for life, or by imprisonment for not less than ~~ten~~ 25 nor more than ~~20~~ 50 years. Any person convicted under this Code section shall, in addition, be subject to the sentencing and punishment provisions of Code Sections 17-10-6.1 and 17-10-7.

(c) When evidence relating to an allegation of rape is collected in the course of a medical examination of the person who is the victim of the alleged crime, the law enforcement agency investigating the alleged crime shall be responsible for the cost of the medical examination to the extent that expense is incurred for the limited purpose of collecting evidence."

SECTION 6.

Said title is further amended by striking Code Section 16-6-2, relating to sodomy and aggravated sodomy, and inserting in lieu thereof the following:

"16-6-2.

(a)(1) A person commits the offense of sodomy when he or she performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another.

(2) A person commits the offense of aggravated sodomy when he or she commits sodomy with force and against the will of the other person or when he or she commits sodomy with a person who is less than ten years of age. The fact that the person allegedly sodomized is the spouse of a defendant shall not be a defense to a charge of aggravated sodomy.

(b)(1) Except as provided in subsection (d) of this Code section, a A person convicted of the offense of sodomy shall be punished by imprisonment for not less than one nor more than 20 years and shall be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

(2) A person convicted of the offense of aggravated sodomy shall be punished by imprisonment for life or by imprisonment for not less than ~~ten~~ 25 nor more than ~~30~~ 50 years. Any person convicted under this Code section of the offense of aggravated sodomy shall, in addition, be subject to the sentencing and punishment provisions of Code Sections 17-10-6.1 and 17-10-7.

(c) When evidence relating to an allegation of aggravated sodomy is collected in the course of a medical examination of the person who is the victim of the alleged crime, the law enforcement agency investigating the alleged crime shall be financially responsible for the cost of the medical examination to the extent that expense is incurred for the limited purpose of collecting evidence.

(d) If the victim is 14 or 15 years of age and the person convicted of sodomy is no more than three years older than the victim, such person shall be guilty of a misdemeanor and shall not be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

SECTION 7.

Said title is further amended by striking Code Section 16-6-3, relating to statutory rape, and inserting in lieu thereof the following:

"16-6-3.

(a) A person commits the offense of statutory rape when he or she engages in sexual intercourse with any person under the age of 16 years and not his or her spouse, provided that no conviction shall be had for this offense on the unsupported testimony of the victim.

(b) Except as provided in subsection (c) of this Code section, a A person convicted of the offense of statutory rape shall be punished by imprisonment for not less than one nor more than 20 years; provided, however, that if the person so convicted is 21 years of age or older, such person shall be punished by imprisonment for not less than ten nor more than 20 years; ~~provided, further, that if~~ Any person convicted under this subsection of the offense of statutory rape shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

(c) If the victim is 14 or 15 years of age and the person so convicted is no more than three years older than the victim, such person shall be guilty of a misdemeanor."

SECTION 8.

Said title is further amended by striking Code Section 16-6-4, relating to child molestation and aggravated child molestation, and inserting in lieu thereof the following:

"16-6-4.

(a) A person commits the offense of child molestation when he or she does any immoral or indecent act to or in the presence of or with any child under the age of 16 years with the intent to arouse or satisfy the sexual desires of either the child or the person.

(b)(1) Except as provided in paragraph (2) of this subsection, a ~~A~~ person convicted of a first offense of child molestation shall be punished by imprisonment for not less than five nor more than 20 years and shall be subject to the sentencing and punishment provisions of Code Sections 17-10-6.2 and 17-10-7. Upon such first conviction of the offense of child molestation, the judge may probate the sentence; and such probation may be upon the special condition that the defendant undergo a mandatory period of counseling administered by a licensed psychiatrist or a licensed psychologist. However, if the judge finds that such probation should not be imposed, he or she shall sentence the defendant to imprisonment; provided, further, that upon a defendant's Upon a defendant ~~being incarcerated on a conviction for such a~~ first offense, the Department of Corrections shall provide counseling to such defendant. Except as provided in paragraph (2) of this subsection, upon ~~Upon~~ a second or subsequent conviction of an offense of child molestation, the defendant shall be punished by imprisonment for not less than ten years nor more than 30 years or by imprisonment for life and shall be subject to the sentencing and punishment provisions of Code Sections 17-10-6.2 and 17-10-7; provided, however, that prior to trial, a defendant shall be given notice, in writing, that the state intends to seek a punishment of life imprisonment. Adjudication of guilt or imposition of sentence for a conviction of a second or subsequent offense of child molestation, including a plea of nolo contendere, shall not be suspended, probated, deferred, or withheld.

(2) If the victim is 14 or 15 years of age and the person convicted of the offense of child molestation is no more than three years older than the victim, such person shall be guilty of a misdemeanor and shall not be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

(c) A person commits the offense of aggravated child molestation when such person commits an offense of child molestation which act physically injures the child, ~~or~~ involves an act of sodomy.

(d)(1) Except as provided in paragraph (2) of this subsection, a ~~A~~ person convicted of the offense of aggravated child molestation shall be punished by imprisonment for not less than ten ~~25~~ nor more than 30 ~~50~~ years. Any person convicted under this Code section of the offense of aggravated child molestation shall, in addition, and shall be

subject to the sentencing and punishment provisions of Code Sections 17-10-6.1 and 17-10-7.

(2) A person convicted of the offense of aggravated child molestation when:

(A) The victim is 14 or 15 years of age;

(B) The person so convicted is no more than three years older than the victim; and

(C) The basis of the charge of aggravated child molestation involves an act of sodomy

shall be guilty of a misdemeanor and shall not be subject to the sentencing and punishment provisions of Code Section 17-10-6.1.

~~(2) The court sentencing a person who has been convicted of a first offense of aggravated child molestation when the victim is 16 years of age or younger at the time of the offense is authorized to require, before sentencing, that the defendant undergo a psychiatric evaluation to ascertain whether or not medroxyprogesterone acetate chemical treatment or its equivalent would be effective in changing the defendant's behavior. If it is determined by a qualified mental health professional that such treatment would be effective, the court may require, as a condition of probation and upon provisions arranged between the court and the defendant, the defendant to undergo medroxyprogesterone acetate treatment or its chemical equivalent which must be coupled with treatment by a qualified mental health professional. In case of a person sentenced to probation who is required to undergo such treatment or its chemical equivalent and is in the custody of a law enforcement agency or confined in a jail at the time of sentencing, when he or she becomes eligible for probation, such person shall begin medroxyprogesterone acetate treatment and counseling prior to his or her release from custody or confinement. A person sentenced to probation who is required to undergo such treatment and who is not in the custody of a law enforcement agency or confined in a jail at the time of sentencing shall be taken into custody or confined until treatment can begin. Additional treatment may continue after such defendant's release from custody or confinement until the defendant demonstrates to the court that such treatment is no longer necessary. No such treatment shall be administered until such person has been fully informed of the side effects of hormonal chemical treatment and has consented to the treatment in writing. The administration of the treatment shall conform to the procedures and conditions set out in subsection (c) of Code Section 42-9-44.2.~~

~~(3) Any physician or qualified mental health professional who acts in good faith in compliance with the provisions of this Code section and subsection (c) of Code Section 42-9-44.2 in the administration of treatment or provision of counseling provided for in this Code section shall be immune from civil or criminal liability for his or her actions in connection with such treatment or counseling."~~

SECTION 9.

Said title is further amended by striking Code Section 16-6-5, relating to enticing a child for indecent purposes, and inserting in lieu thereof the following:

"16-6-5.

(a) A person commits the offense of enticing a child for indecent purposes when he or she solicits, entices, or takes any child under the age of 16 years to any place whatsoever for the purpose of child molestation or indecent acts.

(b) A person convicted of the offense of enticing a child for indecent purposes shall be punished by imprisonment for not less than ~~one~~ ten nor more than ~~20~~ 30 years. Any person convicted under this Code section of the offense of enticing a child for indecent purposes shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2. Upon a first conviction of the offense of enticing a child for indecent purposes, the judge may probate the sentence; and such probation may be upon the special condition that the defendant undergo a mandatory period of counseling administered by a licensed psychiatrist or a licensed psychologist. However, if the judge finds that such probation should not be imposed, he shall sentence the defendant to imprisonment. Upon a second or third conviction of such offense, the defendant shall be punished by imprisonment for not less than five years. For a fourth or subsequent conviction of the offense of enticing a child for indecent purposes, the defendant shall be punished by imprisonment for 20 years. Adjudication of guilt or imposition of sentence for a conviction of a third, fourth, or subsequent offense of enticing a child for indecent purposes, including a plea of nolo contendere, shall not be suspended, probated, deferred, or withheld."

SECTION 10.

Said title is further amended by striking Code Section 16-6-5.1, relating to sexual assault against persons in custody, and inserting in lieu thereof the following:

"16-6-5.1.

(a) As used in this Code section, the term:

- (1) 'Actor' means a person accused of sexual assault.
- (2) 'Intimate parts' means the genital area, groin, inner thighs, buttocks, or breasts of a person.
- (3) 'Psychotherapy' means the professional treatment or counseling of a mental or emotional illness, symptom, or condition.
- (4) 'Sexual contact' means any contact between for the purpose of sexual gratification of the actor and a person not married to the actor involving with the intimate parts of a person not married to the actor either person for the purpose of sexual gratification of the actor.

(b) A probation or parole officer or other custodian or supervisor of another person referred to in this Code section commits sexual assault when he or she engages in sexual contact with another person who is a probationer or parolee under the supervision of said probation or parole officer or who is in the custody of law or who is enrolled in a school or who is detained in or is a patient in a hospital or other institution and such actor has supervisory or disciplinary authority over such other person. A person convicted of sexual assault shall be punished by imprisonment for not less than ~~one~~ ten nor more than ~~three~~ 30 years; provided, however, that any person convicted of the offense of sexual assault under this subsection of a child under the age of 14 years

shall be punished by imprisonment for not less than 25 nor more than 50 years. Any person convicted under this subsection of the offense of sexual assault shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

(c)(1) A person commits sexual assault when such person has supervisory or disciplinary authority over another person and such person engages in sexual contact with that other person who is:

(A) In the custody of law; or

(B) Detained in or is a patient in a hospital or other institution.

(2) A person commits sexual assault when, as an actual or purported practitioner of psychotherapy, he or she engages in sexual contact with another person who the actor knew or should have known is the subject of the actor's actual or purported treatment or counseling, or, if the treatment or counseling relationship was used to facilitate sexual contact between the actor and said person.

(3) Consent of the victim shall not be a defense to a prosecution under this subsection.

(4) A person convicted of sexual assault under this subsection shall be punished by imprisonment for not less than ~~one ten~~ nor more than ~~three~~ 30 years; provided, however, that any person convicted of the offense of sexual assault under this subsection of a child under the age of 14 years shall be punished by imprisonment for not less than 25 nor more than 50 years. Any person convicted under this subsection of the offense of sexual assault shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

(d) A person who is an employee, agent, or volunteer at any facility licensed or required to be licensed under Code Section 31-7-3, relating to long-term care facilities, or Code Section 31-7-12, relating to personal care homes, or who is required to be licensed pursuant to Code Section 31-7-151 or 31-7-173, relating to home health care and hospices, commits sexual assault when such person engages in sexual contact with another person who has been admitted to or is receiving services from such facility, person, or entity. A person convicted of sexual assault pursuant to this subsection shall be punished by imprisonment for not less than ~~one ten~~ nor more than ~~five~~ 30 years, or a fine of not more than \$5,000.00, or both. Any violation of this subsection shall constitute a separate offense. Any person convicted under this subsection of the offense of sexual assault shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

SECTION 11.

Said title is further amended by striking Code Section 16-6-22, relating to incest, and inserting in lieu thereof the following:

"16-6-22.

(a) A person commits the offense of incest when he or she engages in sexual intercourse with a person to whom he or she knows he or she is related either by blood or by marriage as follows:

- (1) Father and daughter or stepdaughter;
- (2) Mother and son or stepson;
- (3) Brother and sister of the whole blood or of the half blood;
- (4) Grandparent and grandchild;
- (5) Aunt and nephew; or
- (6) Uncle and niece.

(b) A person convicted of the offense of incest shall be punished by imprisonment for not less than ~~one ten~~ nor more than ~~20 30~~ years; provided, however, that any person convicted of the offense of incest under this subsection with a child under the age of 14 years shall be punished by imprisonment for not less than 25 nor more than 50 years. Any person convicted under this Code section of the offense of incest shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

SECTION 12.

Said title is further amended by striking Code Section 16-6-22.1, relating to sexual battery, and inserting in lieu thereof the following:

"16-6-22.1.

(a) For the purposes of this Code section, the term 'intimate parts' means the primary genital area, anus, groin, inner thighs, or buttocks of a male or female and the breasts of a female.

(b) A person commits the offense of sexual battery when he or she intentionally makes physical contact with the intimate parts of the body of another person without the consent of that person.

(c) Except as otherwise provided in this Code section, a person convicted of the offense of sexual battery shall be punished as for a misdemeanor of a high and aggravated nature.

(d) A person convicted of the offense of sexual battery against any child under the age of 16 years shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years.

(e) Upon a second or subsequent conviction under this Code section, a person shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

SECTION 13.

Said title is further amended by striking Code Section 16-6-22.2, relating to aggravated sexual battery, and inserting in lieu thereof the following:

"16-6-22.2.

(a) For the purposes of this Code section, the term 'foreign object' means any article or instrument other than the sexual organ of a person.

(b) A person commits the offense of aggravated sexual battery when he or she intentionally penetrates with a foreign object the sexual organ or anus of another person without the consent of that person.

(c) A person convicted of the offense of aggravated sexual battery shall be punished by imprisonment for not less than ~~ten~~ 25 nor more than ~~20~~ 50 years. ~~Any person convicted under this Code section shall, in addition, and shall~~ be subject to the sentencing and punishment provisions of Code Sections 17-10-6.1 and 17-10-7."

SECTION 14.

Said title is further amended by inserting at the end thereof a new Code Section 16-6-25 to read as follows:

"16-6-25.

(a) As used in this Code section, the term 'law enforcement unit' means any agency, organ, or department of this state, or a subdivision or municipality thereof, whose primary functions include the enforcement of criminal or traffic laws; the preservation of public order; the protection of life and property; or the prevention, detection, or investigation of crime. Such term shall also include the Department of Corrections and the State Board of Pardons and Paroles.

(b) Any person who knows or reasonably believes that a sexual offender, as defined in Code Section 42-1-12, is not complying, or has not complied, with the requirements of Code Section 42-1-12 and who, with the intent to assist such sexual offender in eluding a law enforcement unit that is seeking such sexual offender to question him or her about, or to arrest him or her for, his or her noncompliance with the requirements of Code Section 42-1-12:

(1) Harbors, attempts to harbor, or assists another person in harboring or attempting harbor such sexual offender;

(2) Conceals, attempts to conceal, or assists another person in concealing or attempting to conceal such sexual offender; or

(3) Provides information to the law enforcement unit regarding such sexual offender which the person knows to be false information

commits a felony and shall be punished by imprisonment for not less than five nor more than 20 years."

SECTION 15.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by striking paragraph (1) of subsection (a) of Code Section 17-10-1, relating to the fixing of a sentence, and inserting in lieu thereof the following:

"(a)(1) Except in cases in which life imprisonment, life without parole, or the death penalty may be imposed, upon a verdict or plea of guilty in any case involving a misdemeanor or felony, and after a presentence hearing, the judge fixing the sentence shall prescribe a determinate sentence for a specific number of months or years which shall be within the minimum and maximum sentences prescribed by law as the punishment for the crime. The judge imposing the sentence is granted power and authority to suspend or probate all or any part of the entire sentence under such rules and regulations as the judge deems proper, including service of a probated sentence in the sentencing options system, as provided by Article 9 of Chapter 8 of Title 42, and

including the authority to revoke the suspension or probation when the defendant has violated any of the rules and regulations prescribed by the court, even before the probationary period has begun, subject to the conditions set out in this subsection; provided, however, that such action shall be subject to the provisions of Code ~~Section~~ Sections 17-10-6.1 and 17-10-6.2."

SECTION 16.

Said title is further amended by striking Code Section 17-10-6.1, relating to punishment for serious violent offenders, and inserting in lieu thereof the following:

"17-10-6.1.

(a) As used in this Code section, the term 'serious violent felony' means:

- (1) Murder or felony murder, as defined in Code Section 16-5-1;
- (2) Armed robbery, as defined in Code Section 16-8-41;
- (3) Kidnapping, as defined in Code Section 16-5-40;
- (4) Rape, as defined in Code Section 16-6-1;
- (5) Aggravated child molestation, as defined in subsection (c) of Code Section 16-6-4, unless subject to the provisions of paragraph (2) of subsection (d) of Code Section 16-6-4;
- (6) Aggravated sodomy, as defined in Code Section 16-6-2; or
- (7) Aggravated sexual battery, as defined in Code Section 16-6-22.2.

(b)(1) Notwithstanding any other provisions of law to the contrary, any person convicted of a the serious violent felony as defined in paragraphs (2) through (7) of subsection (a) of this Code section of kidnapping involving a victim who is 14 years of age or older or armed robbery shall be sentenced to a mandatory minimum term of imprisonment of ten years and no portion of the mandatory minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld by the sentencing court and shall not be reduced by any form of pardon, parole, or commutation of sentence by the State Board of Pardons and Paroles.

(2) Notwithstanding any other provisions of law to the contrary, any person convicted of the serious violent felony of:

(A) Kidnapping involving a victim who is less than 14 years of age;

(B) Rape;

(C) Aggravated child molestation, as defined in subsection (c) of Code Section 16-6-4, unless subject to the provisions of paragraph (2) of subsection (d) of Code Section 16-6-4;

(D) Aggravated sodomy, as defined in Code Section 16-6-2; or

(E) Aggravated sexual battery, as defined in Code Section 16-6-22.2

shall be sentenced to a split sentence which shall include a mandatory minimum term of imprisonment of 25 years followed by probation for the remainder of the person's natural life. No portion of the mandatory minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld by the sentencing court and shall not be reduced by any form of pardon, parole, or commutation of sentence by the State Board of Pardons and Paroles.

(3) No person convicted of a serious violent felony ~~as defined in subsection (a) of this Code section~~ shall be sentenced as a first offender pursuant to Article 3 of Chapter 8 of Title 42, relating to probation for first offenders, or any other provision of Georgia law relating to the sentencing of first offenders. The State of Georgia shall have the right to appeal any sentence which is imposed by the superior court which does not conform to the provisions of this subsection in the same manner as is provided for other appeals by the state in accordance with Chapter 7 of Title 5, relating to appeals or certiorari by the state.

(c)(1) Except as otherwise provided in subsection (c) of Code Section 42-9-39, for a first conviction of a serious violent felony in which the defendant has been sentenced to life imprisonment, that person shall not be eligible for any form of parole or early release administered by the State Board of Pardons and Paroles until that person has served a minimum of ~~14~~ 20 years in prison. The minimum term of imprisonment shall not be reduced by any earned time, early release, work release, leave, or other sentence-reducing measures under programs administered by the Department of Corrections.

(2) For a first conviction of a serious violent felony in which the defendant has been sentenced to death but the sentence of death has been commuted to life imprisonment, that person shall not be eligible for any form of parole or early release administered by the State Board of Pardons and Paroles until that person has served a minimum of 25 years in prison. The minimum term of imprisonment shall not be reduced by any earned time, early release, work release, leave, or other sentence-reducing measures under programs administered by the Department of Corrections.

(3) Any sentence imposed for the first conviction of any serious violent felony other than a sentence of life imprisonment or life without parole or death shall be served in its entirety as imposed by the sentencing court and shall not be reduced by any form of parole or early release administered by the State Board of Pardons and Paroles or by any earned time, early release, work release, leave, or other sentence-reducing measures under programs administered by the Department of Corrections, the effect of which would be to reduce the period of incarceration ordered by the sentencing court.

(d) For purposes of this Code section, a first conviction of any serious violent felony means that the person has never been convicted of a serious violent felony under the laws of this state or of an offense under the laws of any other state or of the United States, which offense if committed in this state would be a serious violent felony. Conviction of two or more crimes charged on separate counts of one indictment or accusation, or in two or more indictments or accusations consolidated for trial, shall be deemed to be only one conviction."

SECTION 17.

Said title is further amended by adding a new Code section to follow Code Section 17-10-6.1, relating to punishment for serious violent offenders, to read as follows:

"17-10-6.2.

- (a) As used in this Code section, the term 'sexual offense' means:
- (1) Aggravated assault with the intent to rape, as defined in Code Section 16-5-21;
 - (2) False imprisonment, as defined in Code Section 16-5-41, if the victim is not the child of the defendant and the victim is less than 14 years of age;
 - (3) Sodomy, as defined in Code Section 16-6-2, unless subject to the provisions of subsection (d) of Code Section 16-6-2;
 - (4) Statutory rape, as defined in Code Section 16-6-3, if the person convicted of the crime is 21 years of age or older;
 - (5) Child molestation, as defined in subsection (a) of Code Section 16-6-4, unless subject to the provisions of paragraph (2) of subsection (b) of Code Section 16-6-4;
 - (6) Enticing a child for indecent purposes, as defined in Code Section 16-6-5;
 - (7) Sexual assault against persons in custody, as defined in Code Section 16-6-5.1;
 - (8) Incest, as defined in Code Section 16-6-22;
 - (9) A second or subsequent conviction for sexual battery, as defined in Code Section 16-6-22.1; or
 - (10) Sexual exploitation of children, as defined in Code Section 16-12-100.
- (b) Except as provided in subsection (c) of this Code section, and notwithstanding any other provisions of law to the contrary, any person convicted of a sexual offense shall be sentenced to a split sentence which shall include the minimum term of imprisonment specified in the Code section applicable to the offense. No portion of the mandatory minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld by the sentencing court and such sentence shall include, in addition to the mandatory imprisonment, an additional probated sentence of at least one year. No person convicted of a sexual offense, except, in the court's discretion, a person who is less than 21 years of age at the time of the offense, shall be sentenced as a first offender pursuant to Article 3 of Chapter 8 of Title 42, relating to probation for first offenders, or any other provision of Georgia law relating to the sentencing of first offenders.
- (c)(1) In the court's discretion, the court may deviate from the mandatory minimum sentence as set forth in subsection (b) of this Code section, or any portion thereof, provided that:
- (A) The defendant has no prior conviction of an offense prohibited by Chapter 6 of Title 16 or Part 2 of Article 3 of Chapter 12 of Title 16, nor a prior conviction for any offense under federal law or the laws of another state or territory of the United States which consists of the same or similar elements of offenses prohibited by Chapter 6 of Title 16 or Part 2 of Article 3 of Chapter 12 of Title 16;
 - (B) The defendant did not use a deadly weapon or any object, device, or instrument which when used offensively against a person would be likely to or actually did result in serious bodily injury during the commission of the offense;
 - (C) The court has not found evidence of a relevant similar transaction;
 - (D) The victim did not suffer any physical harm or visible bodily harm during the commission of the offense;
 - (E) The offense did not involve transportation of the victim; and
 - (F) The victim was not physically restrained during the commission of the offense.

- (2) If the court deviates in sentencing pursuant to this subsection, the judge shall issue a written order setting forth the judge's reasons.
- (d) If the court imposes a probated sentence, the defendant shall submit to review by the Sexual Offender Registration Review Board for purposes of risk assessment classification within ten days of being sentenced and shall otherwise comply with Article 2 of Chapter 1 of Title 42."

SECTION 18.

Said title is further amended in subsection (b) of Code Section 17-10-30, relating to the procedure for implementation of the death penalty generally, by striking "or" at the end of paragraph (9), by adding "; or" at the end of paragraph (10), and by adding a new paragraph (11) to read as follows:

"(11) The offense of murder, rape, or kidnapping was committed by a person previously designated as a sexually dangerous predator pursuant to Code Section 42-1-14."

SECTION 19.

Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and agencies, is amended by striking subparagraph (A) of paragraph (4) of Code Section 35-3-30, relating to definitions used for the Georgia Crime Information Center article, and inserting in lieu thereof the following:

"(A) 'Criminal history record information' means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, accusations, information, or other formal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release. Such term also includes the age and sex of each victim as provided by criminal justice agencies. The term does not include identification information, such as fingerprint records, to the extent that such information does not indicate involvement of the individual in the criminal justice system."

SECTION 20.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by designating Code Sections 42-1-1 through 42-1-11 as Article 1 of Chapter 1, striking in their entirety Code Sections 42-1-12 and 42-1-13, and inserting in their place a new Article 2 to read as follows:

"ARTICLE 2

42-1-12.

(a) As used in this article, the term:

(1) 'Address' means the street or route address of the sexual offender's residence. For purposes of this Code section, the term does not mean a post office box, and homeless does not constitute an address.

(2) 'Appropriate official' means:

(A) With respect to a sexual offender who is sentenced to probation without any sentence of incarceration in the state prison system or who is sentenced pursuant to Article 3 of Chapter 8 of this title, relating to first offenders, the Division of Probation of the Department of Corrections;

(B) With respect to a sexual offender who is sentenced to a period of incarceration in a prison under the jurisdiction of the Department of Corrections and who is subsequently released from prison or placed on probation, the commissioner of corrections or his or her designee;

(C) With respect to a sexual offender who is placed on parole, the chairperson of the State Board of Pardons and Paroles or his or her designee; and

(D) With respect to a sexual offender who is placed on probation through a private probation agency, the director of the private probation agency or his or her designee.

(3) 'Area where minors congregate' shall include all public and private parks and recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasiums, bus stops, and all other places established for the public to congregate and wait for public transportation.

(4) 'Assessment criteria' means the tests that the board members use to determine the likelihood that a sexual offender will commit another criminal offense against a victim who is a minor or commit a dangerous sexual offense.

(5) 'Board' means the Sexual Offender Registration Review Board.

(6) 'Child care facility' means all public and private pre-kindergarten facilities, day-care centers, preschool facilities, and long-term care facilities for children.

(7) 'Church' means a place of public religious worship.

(8) 'Conviction' includes a final judgment of conviction entered upon a verdict or finding of guilty of a crime, a plea of guilty, or a plea of nolo contendere. A defendant who is discharged without adjudication of guilt and who is not considered to have a criminal conviction pursuant to Article 3 of Chapter 8 of this title, relating to first offenders, shall be subject to the registration requirements of this Code section for the period of time prior to the defendant's discharge after completion of his or her sentence or upon the defendant being adjudicated guilty. Unless otherwise required by federal law, a defendant who is discharged without adjudication of guilt and who is not considered to have a criminal conviction pursuant to Article 3 of Chapter 8 of this title, relating to first offenders, shall not be subject to the registration requirements of this Code section upon the defendant's discharge.

(9)(A) 'Criminal offense against a victim who is a minor' with respect to convictions occurring on or before June 30, 2001, means any criminal offense under Title 16 or any offense under federal law or the laws of another state or territory of the United States which consists of:

(i) Kidnapping of a minor, except by a parent;

(ii) False imprisonment of a minor, except by a parent;

(iii) Criminal sexual conduct toward a minor;

(iv) Solicitation of a minor to engage in sexual conduct;

- (v) Use of a minor in a sexual performance;
- (vi) Solicitation of a minor to practice prostitution; or
- (vii) Any conviction resulting from an underlying sexual offense against a victim who is a minor.

(B) 'Criminal offense against a victim who is a minor' with respect to convictions occurring after June 30, 2001, means any criminal offense under Title 16 or any offense under federal law or the laws of another state or territory of the United States which consists of:

- (i) Kidnapping of a minor, except by a parent;
- (ii) False imprisonment of a minor, except by a parent;
- (iii) Criminal sexual conduct toward a minor;
- (iv) Solicitation of a minor to engage in sexual conduct;
- (v) Use of a minor in a sexual performance;
- (vi) Solicitation of a minor to practice prostitution;
- (vii) Use of a minor to engage in any sexually explicit conduct to produce any visual medium depicting such conduct;
- (viii) Creating, publishing, selling, distributing, or possessing any material depicting a minor or a portion of a minor's body engaged in sexually explicit conduct;
- (ix) Transmitting, making, selling, buying, or disseminating by means of a computer any descriptive or identifying information regarding a child for the purpose of offering or soliciting sexual conduct of or with a child or the visual depicting of such conduct;
- (x) Conspiracy to transport, ship, receive, or distribute visual depictions of minors engaged in sexually explicit conduct; or
- (xi) Any conduct which, by its nature, is a sexual offense against a minor.

(10)(A) 'Dangerous sexual offense' with respect to convictions occurring after June 30, 2006, means any criminal offense under Title 16 as specified in this paragraph or any offense under federal law or the laws of another state or territory of the United States which consists of the same or similar elements of the following offenses:

- (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-2;
- (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who is less than 14 years of age, except by a parent;
- (iii) False imprisonment in violation of Code Section 16-5-41 which involves a victim who is less than 14 years of age, except by a parent;
- (iv) Rape in violation of Code Section 16-6-1;
- (v) Sodomy in violation of Code Section 16-6-2;
- (vi) Aggravated sodomy in violation of Code Section 16-6-2;
- (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted of the offense is 21 years of age or older;
- (viii) Child molestation in violation of Code Section 16-6-4;

- (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the person was convicted of a misdemeanor offense;
 - (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
 - (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;
 - (xii) Incest in violation of Code Section 16-6-22;
 - (xiii) A second conviction for sexual battery in violation of Code Section 16-6-22.1;
 - (xiv) Aggravated sexual battery in violation of Code Section 16-6-23;
 - (xv) Sexual exploitation of children in violation of Code Section 16-12-100;
 - (xvi) Electronically furnishing obscene material to minors in violation of Code Section 16-12-100.1;
 - (xvii) Computer pornography and child exploitation prevention in violation of Code Section 16-12-100.2;
 - (xviii) Obscene telephone contact in violation of Code Section 16-12-100.3; or
 - (xix) Any conduct which, by its nature, is a sexual offense against a minor or an attempt to commit a sexual offense against a minor.
- (B) For purposes of this paragraph, conduct which is punished as for a misdemeanor or which is prosecuted in juvenile court shall not be considered a dangerous sexual offense.
- (11) 'Institution of higher education' means a private or public community college, state university, state college, or independent postsecondary institution.
- (12) 'Level I risk assessment classification' means the sexual offender is a low sex offense risk and low general recidivism risk.
- (13) 'Level II risk assessment classification' means the sexual offender is an intermediate sex offense risk and intermediate general recidivism risk and includes all sexual offenders who do not meet the criteria for classification either as a sexually dangerous predator or for Level I risk assessment.
- (14) 'Minor' means any individual under the age of 18 years and any individual that the sexual offender believed at the time of the offense was under the age of 18 years if such individual was the victim of an offense.
- (15) 'Required registration information' means:
- (A) Name; social security number; age; race; sex; date of birth; height; weight; hair color, eye color, fingerprints; and photograph;
 - (B) Address of any permanent residence and address of any current temporary residence, within the state or out of state, and, if applicable in addition to the address, a rural route address and a post office box;
 - (C) If the place of residence is a motor vehicle or trailer, provide the vehicle identification number, the license tag number, and a description, including color scheme, of the motor vehicle or trailer;
 - (D) If the place of residence is a mobile home, provide the mobile home location permit number; the name and address of the owner of the home; a description,

including the color scheme of the mobile home; and, if applicable, a description of where the mobile home is located on the property;

(E) If the place of residence is a manufactured home, provide the title number assigned to the home; the name and address of the owner of the home; a description, including the color scheme of the manufactured home; and, if applicable, a description of where the manufactured home is located on the property.

(F) If the place of residence is a vessel, live-aboard vessel, or houseboat, provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat;

(G) Date of employment, place of any employment, and address of employer;

(H) Place of vocation and address of the place of vocation;

(I) Vehicle make, model, color, and license tag number;

(J) If enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the name, address, and county of each institution, including each campus attended, and enrollment or employment status; and

(K) The name of the crime or crimes for which the sexual offender is registering and the date released from prison or placed on probation, parole, or supervised release.

(16) 'Risk assessment classification' means the notification level into which a sexual offender is placed based on the board's assessment.

(17) 'School' means all public and private kindergarten, elementary, and secondary schools.

(18) 'Sexual offender' means any individual:

(A) Who has been convicted of a criminal offense against a victim who is a minor or any dangerous sexual offense; or

(B) Who has been convicted under the laws of another state or territory, under the laws of the United States, under the Uniform Code of Military Justice, or in a tribal court of a criminal offense against a victim who is a minor or a dangerous sexual offense.

(19) 'Sexually dangerous predator' means a sexual offender:

(A) Who was designated as a sexually violent offender between July 1, 1996, and June 30, 2006; or

(B) Who has been convicted on or after July 1, 2006, of a dangerous sexual offense; and

who is determined by the Sexual Offender Registration Review Board to be at risk of perpetrating any future dangerous sexual offense.

(20) 'Vocation' means any full-time, part-time, or volunteer employment with or without compensation exceeding 14 consecutive days or for an aggregate period of time exceeding 30 days during any calendar year.

(b) Before a sexual offender who is required to register under this Code section is released from prison or placed on parole, supervised release, or probation, the appropriate official shall:

- (1) Inform the sexual offender of the obligation to register, the amount of the registration fee, and how to maintain registration;
 - (2) Obtain the information necessary for the required registration information;
 - (3) Inform the sexual offender that, if the sexual offender changes any of the required registration information, other than residence address, the sexual offender shall give the new information to the sheriff of the county with whom the sexual offender is registered within 72 hours of the change of information; if the information is the sexual offender's new residence address, the sexual offender shall give the information to the sheriff of the county with whom the sexual offender last registered not sooner than 72 hours before moving and to the sheriff of the county to which the sexual offender is moving not later than 72 hours after the change of information;
 - (4) Inform the sexual offender that he or she shall also register in any state where he or she is employed, carries on a vocation, or is a student;
 - (5) Inform the sexual offender that, if he or she changes residence to another state, the sexual offender shall register the new address with the sheriff of the county with whom the sexual offender last registered, and that the sexual offender shall also register with a designated law enforcement agency in the new state not later than 72 hours after establishing residence in the new state;
 - (6) Obtain fingerprints and a current photograph of the sexual offender;
 - (7) Require the sexual offender to read and sign a form stating that the obligations of the sexual offender have been explained;
 - (8) Obtain and forward any information obtained from the clerk of court pursuant to Code Section 42-5-50 to the sheriff's office of the county in which the sexual offender will reside; and
 - (9) If required by Code Section 42-1-14, place any required electronic monitoring device on the sexually dangerous predator and explain its operation and cost.
- (c) The Department of Corrections shall:
- (1) Forward to the Georgia Bureau of Investigation a copy of the form stating that the obligations of the sexual offender have been explained;
 - (2) Forward any required registration information to the Georgia Bureau of Investigation;
 - (3) Forward the sexual offender's fingerprints and photograph to the sheriff's office of the county where the sexual offender is going to reside;
 - (4) Inform the board and the prosecuting attorney for the jurisdiction in which a sexual offender was convicted of the impending release of a sexual offender at least eight months prior to such release so as to facilitate compliance with Code Section 42-1-14; and
 - (5) Keep all records of sexual offenders in a secure facility until official proof of death of a registered sexual offender and thereafter the records shall be destroyed in accordance with Code Sections 15-1-10, 15-6-62, and 15-6-62.1.
- (d) No sexual offender shall be released from prison or placed on parole, supervised release, or probation until:

- (1) The appropriate official has provided the Georgia Bureau of Investigation and the sheriff's office in the county where the sexual offender will be residing with the sexual offender's required registration information and risk assessment classification level; and
 - (2) The sexual offender's name has been added to the list of sexual offenders maintained by the Georgia Bureau of Investigation and the sheriff's office as required by this Code section.
- (e) Registration pursuant to this Code section shall be required by any individual who:
- (1) Is convicted on or after July 1, 1996, of a criminal offense against a victim who is a minor;
 - (2) Is convicted on or after July 1, 2006, of a dangerous sexual offense;
 - (3) Has previously been convicted of a criminal offense against a minor and may be released from prison or placed on parole, supervised release, or probation on or after July 1, 1996;
 - (4) Has previously been convicted of a sexually violent offense and may be released from prison or placed on parole, supervised release, or probation;
 - (5) Is a resident of Georgia who intends to reside in this state and who is convicted under the laws of another state or the United States, under the Uniform Code of Military Justice, or in a tribal court of a sexually violent offense, a criminal offense against a victim who is a minor on or after July 1, 1999, or a dangerous sexual offense on or after July 1, 2006;
 - (6) Is a nonresident sexual offender who changes residence from another state or territory of the United States to Georgia who is required to register as a sexual offender under federal law, military law, tribal law, or the laws of another state or territory, regardless of when the conviction occurred;
 - (7) Is a nonresident sexual offender who enters this state for the purpose of employment for a period exceeding 14 consecutive days or for an aggregate period of time exceeding 30 days during any calendar year regardless of whether such sexual offender is required to register under federal law, military law, tribal law, or the laws of another state or territory; or
 - (8) Is a nonresident sexual offender who enters this state for the purpose of attending school as a full-time or part-time student regardless of whether such sexual offender is required to register under federal law, military law, tribal law, or the laws of another state or territory.
- (f) Any sexual offender required to register under this Code section shall:
- (1) Provide the required registration information to the appropriate official before being released from prison or placed on parole, supervised release, or probation;
 - (2) Register with the sheriff of the county in which the sexual offender resides within 72 hours after the sexual offender's release from prison or placement on parole, supervised release, probation, or entry into this state;
 - (3) Maintain the required registration information with the sheriff of the county in which the sexual offender resides;

- (4) Renew the required registration information with the sheriff of the county in which the sexual offender resides by reporting to the sheriff within 72 hours of such offender's birthday each year to be photographed and fingerprinted;
- (5) Update the required registration information with the sheriff of the county in which the sexual offender resides within 72 hours of any change to the required registration information, other than residence address; if the information is the sexual offender's new residence address, the sexual offender shall give the information to the sheriff of the county with whom the sexual offender last registered no sooner than 72 hours before any change of residence address and to the sheriff of the county to which the sexual offender is moving;
- (6) If convicted of a dangerous sexual offense on or after July 1, 2006, pay to the sheriff of the county where the sexual offender resides an annual registration fee of \$250.00 upon each anniversary of such registration; and
- (7) Continue to comply with the registration requirements of this Code section for the entire life of the sexual offender, including ensuing periods of incarceration.
- (g)(1) The appropriate official or sheriff shall, within 72 hours after receipt of the required registration information, forward such information to the Georgia Bureau of Investigation. Once the data is entered into the Criminal Justice Information System by the appropriate official or sheriff, the Georgia Crime Information Center shall notify the sheriff of the sexual offender's county of residence, either permanent or temporary, the sheriff of the county of employment, and the sheriff of the county where the sexual offender attends an institution of higher education within 24 hours of entering the data or any change to the data.
- (2) The Georgia Bureau of Investigation shall:
 - (A) Transmit all information, including the conviction data and fingerprints, to the Federal Bureau of Investigation within 24 hours of entering the data;
 - (B) Establish operating policies and procedures concerning record ownership, quality, verification, modification, and cancellation; and
 - (C) Perform mail out and verification duties as follows:
 - (i) Send each month Criminal Justice Information System network messages to sheriffs listing sexual offenders due for verification;
 - (ii) Create a photo image file from original entries and provide such entries to sheriffs to assist in sexual offender identification and verification;
 - (iii) Mail a nonforwardable verification form to the last reported address of the sexual offender prior to the sexual offender's birthday;
 - (iv) If the sexual offender changes residence to another state, notify the law enforcement agency with which the sexual offender shall register in the new state; and
 - (v) Maintain records required under this Code section.
- (h) The sheriff's office in each county shall:
 - (1) Prepare and maintain a list of all sexual offenders and sexually dangerous predators residing in each county. Such list shall include the sexual offender's name; age; physical description; address; crime of conviction, including conviction date and

the jurisdiction of the conviction; photograph; and the risk assessment classification level provided by the board, and an explanation of how the board classifies sexual offenders and sexually dangerous predators;

(2) Electronically submit and update all information provided by the sexual offender within two working days to the Georgia Bureau of Investigation in a manner prescribed by the Georgia Bureau of Investigation;

(3) Maintain and post a list of every sexual offender residing in each county:

(A) In the sheriff's office;

(B) In any county administrative building;

(C) In the main administrative building for any municipal corporation;

(D) In the office of the clerk of the superior court so that such list is available to the public; and

(E) On a website maintained by the sheriff of the county for the posting of general information;

(4) Update the public notices required by paragraph (3) of this Code section within two working days;

(5) Inform the public of the presence of sexual offenders in each community;

(6) Update the list of sexual offenders residing in the county upon receipt of new information affecting the residence address of a sexual offender or upon the registration of a sexual offender moving into the county by virtue of release from prison, relocation from another county, conviction in another state, federal court, military tribunal, or tribal court. Such list, and any additions to such list, shall be delivered immediately to all schools or institutions of higher education located in the county;

(7) Within 72 hours of the receipt of changed required registration information, notify the Georgia Bureau of Investigation through the Criminal Justice Information System of each change of information;

(8) Retain the verification form stating that the sexual offender still resides at the address last reported;

(9) Enforce the criminal provisions of this Code section. The sheriff may request the assistance of the Georgia Bureau of Investigation to enforce the provisions of this Code section;

(10) Cooperate and communicate with other sheriffs' offices in this state and in the United States to maintain current data on the location of sexual offenders;

(11) Determine the appropriate time of day for reporting by sexual offenders, which shall be consistent with the reporting requirements of this Code section;

(12) If required by Code Section 42-1-14, place any electronic monitoring device on the sexually dangerous predator and explain its operation and cost;

(13) Provide current information on names and addresses of all registered sexual offenders to campus police with jurisdiction for the campus of an institution of higher education if the campus is within the sheriff's jurisdiction; and

(14) Collect the annual \$250.00 registration fee from the sexual offender and transmit such fees to the state for deposit into the General Fund.

- (i)(1) The sheriff of the county where the sexual offender resides or last registered shall be the primary law enforcement official charged with communicating the whereabouts of the sexual offender and any changes in required registration information to the sheriff's office of the county or counties where the sexual offender is employed, volunteers, attends an institution of higher education, or moves.
- (2) The sheriff's office may post the list of sexual offenders in any public building in addition to those locations enumerated in subsection (h) of this Code section.
- (j) The Georgia Crime Information Center shall create the Criminal Justice Information System network transaction screens by which appropriate officials shall enter original data required by this Code section. Screens shall also be created for sheriffs' offices for the entry of record confirmation data; employment; changes of residence, institutions of higher education, or employment; or other pertinent data to assist in sexual offender identification.
- (k)(1) On at least an annual basis, the Department of Education shall obtain from the Georgia Bureau of Investigation a complete list of the names and addresses of all registered sexual offenders and shall send such list, accompanied by a hold harmless provision, to each school in this state. In addition, the Department of Education shall provide information to each school in this state on accessing and retrieving from the Georgia Bureau of Investigation's website a list of the names and addresses of all registered sexual offenders.
- (2) On at least an annual basis, the Department of Early Care and Learning shall provide current information to all child care programs regulated pursuant to Code Section 20-1A-10 on accessing and retrieving from the Georgia Bureau of Investigation's website a list of the names and addresses of all registered sexual offenders and shall include, on a continuing basis, such information with each application for licensure, commissioning, or registration for early care and education programs.
- (3) On at least an annual basis, the Department of Human Resources shall provide current information to all day-care, group day-care, and family day-care programs regulated pursuant to Code Section 49-5-12 and to all long-term facilities for children on accessing and retrieving from the Georgia Bureau of Investigation's website a list of the names and addresses of all registered sexual offenders.
- (l) Within ten days of the filing of a defendant's discharge and exoneration of guilt pursuant to Article 3 of Chapter 8 of this title, the clerk of court shall transmit the order of discharge and exoneration to the Georgia Bureau of Investigation and any sheriff maintaining records required under this Code section.
- (m) Any individual who:
- (1) Is required to register under this Code section and who fails to comply with the requirements of this Code section;
 - (2) Provides false information; or
 - (3) Fails to respond directly to the sheriff within 72 hours of such individual's birthday

shall be guilty of a felony and shall be punished by imprisonment for not less than ten nor more than 30 years; provided, however, that upon the conviction of the second offense under this subsection, the defendant shall be punished by imprisonment for life.

(n) The information collected pursuant to this Code section shall be treated as private data except that:

(1) Such information may be disclosed to law enforcement agencies for law enforcement purposes;

(2) Such information may be disclosed to government agencies conducting confidential background checks; and

(3) The Georgia Bureau of Investigation or any sheriff maintaining records required under this Code section shall, in addition to the requirements of this Code section to inform the public of the presence of sexual offenders in each community, release such other relevant information collected under this Code section that is necessary to protect the public concerning sexual offenders required to register under this Code section, except that the identity of a victim of an offense that requires registration under this Code section shall not be released.

(o) The Board of Public Safety is authorized to promulgate rules and regulations necessary for the Georgia Bureau of Investigation and the Georgia Crime Information Center to implement and carry out the provisions of this Code section.

(p) Law enforcement agencies, employees of law enforcement agencies, and state officials shall be immune from liability for good faith conduct under this article.

42-1-13.

(a) The Sexual Offender Registration Review Board shall be composed of three professionals licensed under Title 43 and knowledgeable in the field of the behavior and treatment of sexual offenders; at least one representative from a victims' rights advocacy group or agency; and at least two representatives from law enforcement, each of whom is either employed by a law enforcement agency as a certified peace officer under Title 35 or retired from such employment. The members of the board shall be appointed by the commissioner of human resources for terms of four years. On and after July 1, 2006, successors to the members of the board shall be appointed by the Governor. Members of the board shall take office on the first day of September immediately following the expired term of that office and shall serve for a term of four years and until the appointment of their respective successors. No member shall serve on the board more than two consecutive terms. Vacancies occurring on the board, other than those caused by expiration of a term of office, shall be filled in the same manner as the original appointment to the position vacated for the remainder of the unexpired term and until a successor is appointed. Members shall be entitled to an expense allowance and travel cost reimbursement the same as members of certain other boards and commissions as provided in Code Section 45-7-21.

(b) The board shall be attached to the Department of Human Resources for administrative purposes and, provided there is adequate funding, shall:

- (1) Exercise its quasi-judicial, rule-making, or policy-making functions independently of the department and without approval or control of the department;
 - (2) Prepare its budget, if any, and submit its budgetary requests, if any, through the department; and
 - (3) Hire its own personnel if authorized by the Constitution of this state or by statute or if the General Assembly provides or authorizes the expenditure of funds therefor.
- (c) Members of the board shall be immune from liability for good faith conduct under this article.

42-1-14.

(a) The board shall determine the likelihood that a sexual offender will engage in another crime against a victim who is a minor or a dangerous sexual offense. The board shall make such determination for any sexual offender convicted on or after July 1, 2006, of a criminal act against a minor or a dangerous sexual offense and for any sexual offender incarcerated on July 1, 2006, but convicted prior to July 1, 2006, of a criminal act against a minor. Such determination shall not be required to be made by the board until January 1, 2007; provided, however, that such persons shall be subject to this Code section. A sexual offender shall be placed into Level I risk assessment classification, Level II risk assessment classification, or sexually dangerous predator classification based upon the board's assessment criteria and information obtained and reviewed by the board. The sexual offender may provide the board with information including, but not limited to, psychological evaluations, sexual history polygraph information, treatment history, personal, social, educational, and work history, and may agree to submit to a psychosexual evaluation or sexual history polygraph conducted by the board. If the sexual offender has undergone treatment through the Department of Corrections, such treatment records shall also be submitted to the board for evaluation. The prosecuting attorney shall provide the board with any information available to assist the board in rendering an opinion, including, but not limited to, criminal history and records related to previous criminal history. On and after July 1, 2006, the clerk of court shall send a copy of the sexual offender's conviction to the board and notify the board that a sexual offender's evaluation will need to be performed. The board shall render its recommendation for risk assessment classification within:

- (1) Sixty days of receipt of a request for an evaluation if the sexual offender is being sentenced pursuant to subsection (c) of Code Section 17-10-6.2;
 - (2) Six months prior to the sexual offender's proposed release from confinement if the offender is incarcerated; and
 - (3) Forty-five days of receipt of the required registration information if the sexual offender has entered this state from another state and registered as a sexual offender.
- The board shall send a copy of its risk assessment classification to the Department of Corrections, sexual offender, and sentencing court, if applicable.

(b)(1) If the sexual offender has been sentenced pursuant to subsection (c) of Code Section 17-10-6.2, after receiving a recommendation from the board that he or she be classified as a sexually dangerous predator, the sexual offender may request that the

sentencing court set a date to conduct a hearing affording the sexual offender the opportunity to present testimony or evidence relevant to the recommended classification. After the hearing and within 60 days of receiving the report, the court shall issue a ruling as to whether or not the sexual offender shall be classified as a sexually dangerous predator. If the court determines the sexual offender to be a sexually dangerous predator, such fact shall be communicated in writing to the appropriate official, the Georgia Bureau of Investigation, and the sheriff of the county where the sexual offender resides.

(2) If the sexual offender received a sentence of imprisonment and was sentenced for a dangerous sexual offense on or after July 1, 2006, or if the sexual offender is incarcerated on July 1, 2006, for a crime against a victim who is a minor, after receiving a recommendation from the board that he or she be classified as a sexually dangerous predator, the sexual offender may request that the sentencing court set a date to conduct a hearing affording the sexual offender the opportunity to present testimony or evidence relevant to the recommended classification. After the hearing and within 60 days of receiving the report, the court shall issue a ruling as to whether or not the sexual offender shall be classified as a sexually dangerous predator. If the court determines the sexual offender to be a sexually dangerous predator, such fact shall be communicated in writing to the appropriate official, the Georgia Bureau of Investigation, and the sheriff of the county where the sexual offender resides.

(c) Any sexual offender who changes residence from another state or territory of the United States to this state and who is not designated as a sexually dangerous predator, sexual predator, or a sexually violent predator shall have his or her required registration information forwarded by the sheriff of his or her county of registration to the board for the purpose of risk assessment classification. After receiving a recommendation from the board that he or she be classified as a sexually dangerous predator, the sexual offender may, within 30 days after the issuance of such classification, request a hearing before an administrative law judge. Such hearing shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The decision of the administrative law judge shall constitute the final decision of the board subject to the right of judicial review in accordance with Chapter 13 of Title 50. If the final determination is that the sexual offender is classified as a sexually dangerous predator, such fact shall be communicated in writing to the appropriate official, the Georgia Bureau of Investigation, and the sheriff of the county where the sexual offender resides.

(d) Any individual who was classified as a sexually violent predator prior to July 1, 2006, shall be classified as a sexually dangerous predator on and after July 1, 2006.

(e) Any sexually dangerous predator shall be required to wear an electronic monitoring device that shall have, at a minimum, the capacity to locate and record the location of the sexually dangerous predator by a link to a global positioning satellite system, have two-way voice communication capability, have an alarm at no less than 95 decibels that can be remotely activated, and is automatically activated and broadcasts the sexually dangerous predator's location if the monitor is removed or tampered with by anyone other than a law enforcement official designated to maintain and remove or replace the

monitor. Such monitor shall be worn by a sexually dangerous predator for the remainder of his or her natural life. The sexually dangerous predator shall pay the cost of such monitor to the Department of Corrections if the sexually dangerous predator is on probation; to the Board of Pardons and Paroles if the sexually dangerous predator is on parole; and to the sheriff after the sexually dangerous predator completes his or her term of probation and parole or if the sexually dangerous predator has moved to this state from another state, territory, or country. The monitor shall be placed upon the sexually dangerous predator prior to his or her release from confinement. If the sexual offender is not in custody, within 72 hours of the decision classifying the sexual offender as a sexually dangerous predator by the court in accordance with subsection (b) of this Code section or a final decision pursuant to subsection (c) of this Code section, whichever applies to the sexual offender's situation, the sexually dangerous predator shall report to the sheriff of the county of his or her residence for purposes of having the monitor placed on the sexually dangerous predator.

(f) In addition to the requirements of registration for all sexual offenders, a sexually dangerous predator shall report to the sheriff of the county where such predator resides six months following his or her birth month and update or verify his or her required registration information.

42-1-15.

(a) No individual required to register pursuant to Code Section 42-1-12 shall reside or loiter within 1,000 feet of any child care facility, church, school, or area where minors congregate. Such distance shall be determined by measuring from the outer boundary of the property on which the individual resides to the outer boundary of the property of the child care facility, church, school, or area where minors congregate at their closest points.

(b) No individual who is required to register under Code Section 42-1-12 shall be employed by any child care facility, school, or church or by any business or entity that is located within 1,000 feet of an area where minors congregate, a child care facility, a school, or a church.

(c) Any sexual offender who knowingly violates the provisions of this Code section shall be guilty of a felony and shall be punished by imprisonment for not less than ten nor more than 30 years.

(d) Nothing in this Code section shall create, either directly or indirectly, any civil cause of action against or result in criminal prosecution of any person, firm, corporation, partnership, trust, or association other than an individual required to be registered under Code Section 42-1-12."

SECTION 21.

Said title is further amended by striking subsection (b) of Code Section 42-8-35, relating to terms and conditions of probation, and inserting in lieu thereof the following:

"(b) In determining the terms and conditions of probation for a probationer who has been convicted of a criminal offense against a victim who is a minor or dangerous

sexual offense as ~~that phrase is~~ those terms are defined in subparagraph (a)(4)(B) of Code Section 42-1-12, the court may provide that the probationer shall be:

- (1) Prohibited from entering or remaining present at a victim's school, place of employment, place of residence, or other specified place at times when a victim is present or from ~~entering or remaining present~~ loitering in areas where minors congregate, child care facilities, churches, or schools as those terms are defined in ~~subsection (a) of Code Section 42-1-13~~ 42-1-12;
- (2) Required to wear a device capable of tracking the location of the probationer by means including electronic surveillance or global positioning systems. ~~The~~ Unless the probationer is indigent, the department shall assess and collect fees from the probationer for such monitoring at levels set by regulation by the department; and
- (3) Prohibited from seeking election to a ~~Local Board of Education~~ local board of education."

SECTION 22.

Said title is further amended by striking Code Section 42-8-60, relating to probation prior to adjudication of guilt, and inserting in lieu thereof the following:

"42-8-60.

(a) Upon a verdict or plea of guilty or a plea of nolo contendere, but before an adjudication of guilt, in the case of a defendant who has not been previously convicted of a felony, the court may, without entering a judgment of guilt and with the consent of the defendant:

- (1) Defer further proceeding and place the defendant on probation as provided by law; or
- (2) Sentence the defendant to a term of confinement as provided by law.

(b) Upon violation by the defendant of the terms of probation, upon a conviction for another crime during the period of probation, or upon the court determining that the defendant is or was not eligible for sentencing under this article, the court may enter an adjudication of guilt and proceed as otherwise provided by law. No person may avail himself or herself of this article on more than one occasion.

(c) The court shall not sentence a defendant under the provisions of this article and, if sentenced under the provisions of this article, shall not discharge the defendant upon completion of the sentence unless the court has reviewed the defendant's criminal record as such is on file with the Georgia Crime Information Center.

(d) The court shall not sentence a defendant under the provisions of this article who has been found guilty of or entered a plea of guilty of a plea of nolo contendere for:

- (1) A serious violent felony as such term is defined in Code Section 17-10-6.1;
- (2) A sexual offense as such term is defined in Code Section 17-10-6.2, unless in the court's discretion it imposed a sentence under this article for a person who is less than 21 years of age at the time of the offense;
- (3) Sexual exploitation of a minor as defined in Code Section 16-12-100;
- (4) Electronically furnishing obscene material to a minor as defined in Code Section 16-12-100.1; or

(5) Computer pornography and child exploitation, as defined in Code Section 16-12-100.2."

SECTION 23.

Said title is further amended by striking in its entirety Code Section 42-9-44.1, relating to conditions of parole for sexual offenders, and inserting in lieu thereof the following:

"42-9-44.1.

~~(a) As used in this Code section, the term 'sexual offense' means a violation of Code Section 16-6-1, 16-6-2, 16-6-5.1, 16-6-22, or 16-6-22.2 when the victim was under 18 years of age at the time of the commission of the offense or a violation of Code Section 16-6-3, 16-6-4, or 16-6-5 when the victim was under 14 years of age at the time of the commission of the offense.~~

~~(b)(1) The board shall adopt rules providing that with respect to any person who has been convicted of a sexual offense, as a condition of parole, the offender shall be ordered to give notice of his or her name and address, the crime for which he or she was convicted, and the date of parole to:~~

~~(A) The superintendent of the public school district where the offender will reside; and~~

~~(B) The sheriff of the county wherein the offender will reside.~~

~~(2) The offender shall provide the notice and information required in paragraph (1) of this subsection within ten days of the release on parole or within ten days of setting up residency in the locale where the offender plans to have his or her domicile.~~

~~(c) Any sex offender who has been paroled and who moves his or her legal residence from one county within this state to another county within this state shall be required to provide the information and notice required in subsection (b) of this Code section with respect to his or her new residence within ten days after moving during the period of his or her parole.~~

~~(d) Any person who fails to comply with the requirements of this Code section or who provides false information shall, in the case of a person on parole, be in violation of such person's conditions of parole and shall be guilty of a misdemeanor.~~

~~(e) It shall be the duty of the sheriff of each county within this state to maintain a register of the names and addresses of all offenders providing information to the sheriff under this Code section. Such register shall be open to public inspection.~~

~~(f) The requirement that a sex offender provide notice and information pursuant to subsections (b) and (c) of this Code section shall terminate upon the offender's satisfactory completion of his or her terms of parole. Reserved."~~

SECTION 24.

Said title is further amended by striking in its entirety Code Section 42-9-44.2, relating to chemical treatment and counseling as a condition of parole for child molesters, and inserting in lieu thereof the following:

"42-9-44.2.

~~(a) The Board of Pardons and Paroles may in the exercise of its discretion in considering the grant of parole to a person who has been convicted of a second or subsequent offense of child molestation of a child who was 16 years of age or younger at the time of the offense or who has been convicted of a first offense of aggravated child molestation of a child who was 16 years of age or younger at the time of the offense require, as a condition of parole, that such person undergo medroxyprogesterone acetate treatment or its chemical equivalent. While undergoing such treatment, such person must participate in and pay for counseling currently available from a private or public provider of outpatient mental health services. No such treatment shall be administered until such person has consented thereto in writing.~~

~~(b) A person who is required to undergo medroxyprogesterone acetate treatment or its chemical equivalent and counseling as a condition of parole shall begin such treatment prior to his or her release from confinement in the state correctional institution or other institution, but additional treatment may continue after such defendant's release on parole until the defendant demonstrates to the board that such treatment is no longer necessary.~~

~~(c) The provision of treatment required as a condition of parole shall be administered by the State Board of Pardons and Paroles through licensed medical personnel employed by the defendant and approved by the board. Any physician or qualified mental health professional who acts in good faith in compliance with the provisions of this Code section in the administration of treatment or provision of counseling provided for in this Code section shall be immune from civil or criminal liability for his or her actions in connection with such treatment. The Department of Corrections shall permit access by such licensed medical personnel for such purpose to any person required to begin the treatment and counseling while confined in a facility of the department. The medical personnel utilized or approved by the board shall be required to inform the person about the effect of hormonal chemical treatment and any side effects that may result from it. A person subject to treatment under this Code section shall acknowledge in writing the receipt of this information. Reserved."~~

SECTION 25.

- (a) This Act shall become effective July 1, 2006.
- (b) Any person required to register pursuant to the provisions of Code Section 42-1-12, relating to the state sexual offender registry, and any person required not to reside within areas where minors congregate, as prohibited by Code Section 42-1-13, shall not be relieved of the obligation to comply with the provisions of said Code sections by the repeal and reenactment of said Code sections.
- (c) The provisions of this Act shall not affect or abate the status as a crime of any such act or omission which occurred prior to the effective date of the Act repealing, repealing and reenacting, or amending such law, nor shall the prosecution of such crime be abated as a result of such repeal, repeal and reenactment, or amendment.

SECTION 26.

All laws and parts of laws in conflict with this Act are repealed.

The following substitute, offered by the Committee on Rules, was read:

A BILL

To amend Titles 16, 17, 35, and 42 of the Official Code of Georgia Annotated, relating respectively to crimes and offenses, criminal procedure, law enforcement officers and agencies, and penal institutions, so as to change provisions relating to sexual offenders; to change punishment provisions, registration requirements, and residency requirements for sexual offenders; to provide for legislative findings; to change punishment provisions related to aggravated assault with the intent to rape; to change punishment provisions related to kidnapping; to change punishment provisions related to false imprisonment; to change punishment provisions related to rape; to change certain provisions relating to sodomy and aggravated sodomy; to provide for lesser punishment for certain sexual offenses committed by persons of certain ages; to change certain provisions relating to statutory rape; to change certain provisions relating to child molestation and aggravated child molestation; to change certain provisions relating to enticing a child for indecent purposes; to change certain provisions relating to persons convicted of sexual assault against persons in custody; to change certain provisions relating to incest; to change certain provisions relating to sexual battery; to change certain provisions relating to aggravated sexual battery; to allow for judicial discretion for mandatory minimum sentences under certain circumstances; to create a new crime involving withholding information concerning a sexual offender and provide for penalties; to change a provision relating to the fixing of a sentence by a judge; to change certain provisions relating to punishment of serious violent offenders and increase the mandatory minimum term of imprisonment for certain offenses; to require persons convicted of certain sexual crimes to receive a mandatory split sentence including a minimum sentence of imprisonment; to add a provision relating to statutory aggravating circumstances for the imposition of the death penalty; to require the Georgia Crime Information Center to collect certain data; to reorganize and change provisions related to the State Sexual Offender Registry; to change and add certain definitions; to change provisions relating to registration requirements for sexual offenders; to provide for an annual registration fee; to provide that sexual offenders register prior to release from prison; to require each sheriff to maintain and update a list of all sexual offenders residing in the county; to provide for duties and responsibilities for sheriffs, the Department of Corrections, the Georgia Bureau of Investigation, and sexual offenders; to require registered sexual offenders to verify required registration information with the sheriff whenever any changes occur to certain information and verify information at least annually within 72 hours of the sexual offender's birthday; to increase the duration for registration requirement; to provide for a procedure for certain sexual offenders to petition a court to be relieved of registration requirements; to require the sheriff to notify certain people and entities of the presence of sexual offenders in their community; to increase punishment for failure to comply with

registration requirements; to change the appointing authority for the Sexual Offender Registration Review Board; to require the Sexual Offender Registration Review Board to classify sexual offenders; to require sexually dangerous predators to wear an electronic monitoring device for the balance of his or her life and to pay for such device; to require sexually dangerous predators to update required registration information twice yearly; to provide for employment restrictions for sexual offenders; to prohibit sexual offenders from loitering in certain locations; to correct cross-references; to change provisions relating to sexual offenders conditions for parole; to change provisions relating to chemical treatment and counseling as a condition of parole for child molesters; to provide for other related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The General Assembly finds and declares that recidivist sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Many sexual offenders are extremely likely to use physical violence and to repeat their offenses; and some sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. The General Assembly finds that this makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant. The General Assembly further finds that the high level of threat that a sexual predator presents to the public safety, and the long-term effects suffered by victims of sex offenses, provide the state with sufficient justification to implement a strategy that includes:

- (1) Incarcerating sexual offenders and maintaining adequate facilities to ensure that decisions to release sexual predators into the community are not made on the basis of inadequate space;
- (2) Requiring the registration of sexual offenders, with a requirement that complete and accurate information be maintained and accessible for use by law enforcement authorities, communities, and the public;
- (3) Providing for community and public notification concerning the presence of sexual offenders;
- (4) Collecting data relative to sexual offenses and sexual offenders;
- (5) Requiring sexual predators who are released into the community to wear electronic monitoring devices for the rest of their natural life and to pay for such device; and
- (6) Prohibiting sexual predators from working with children, either for compensation or as a volunteer.

The General Assembly further finds that the state has a compelling interest in protecting the public from sexual offenders and in protecting children from predatory sexual activity, and there is sufficient justification for requiring sexual offenders to register and

for requiring community and public notification of the presence of sexual offenders. The General Assembly declares that in order to protect the public, it is necessary that the sexual offenders be registered and that members of the community and the public be notified of a sexual offender's presence. The designation of a person as a sexual offender is neither a sentence nor a punishment but simply a regulatory mechanism and status resulting from the conviction of certain crimes. Likewise, the designation of a person as a sexual predator is neither a sentence nor a punishment but simply a regulatory mechanism and status resulting from findings by the Sexual Offender Registration Review Board and a court if requested by a sexual offender.

SECTION 2.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by striking Code Section 16-5-21, relating to aggravated assault, and inserting in lieu thereof the following:

"16-5-21.

(a) A person commits the offense of aggravated assault when he or she assaults:

(1) With intent to murder, to rape, or to rob;

(2) With a deadly weapon or with any object, device, or instrument which, when used offensively against a person, is likely to or actually does result in serious bodily injury; or

(3) A person or persons without legal justification by discharging a firearm from within a motor vehicle toward a person or persons.

(b) Except as provided in subsections (c) through ~~(i)~~ (j) of this Code section, a person convicted of the offense of aggravated assault shall be punished by imprisonment for not less than one nor more than 20 years.

(c) A person who knowingly commits the offense of aggravated assault upon a peace officer while the peace officer is engaged in, or on account of the performance of, his or her official duties shall, upon conviction thereof, be punished by imprisonment for not less than five nor more than 20 years.

(d) Any person who commits the offense of aggravated assault against a person who is 65 years of age or older shall, upon conviction thereof, be punished by imprisonment for not less than three nor more than 20 years.

(e)(1) As used in this subsection, the term 'correctional officer' shall include superintendents, wardens, deputy wardens, guards, and correctional officers of state, county, and municipal penal institutions who are certified by the Georgia Peace Officer Standards and Training Council pursuant to Chapter 8 of Title 35 and employees of the Department of Juvenile Justice who are known to be employees of the department or who have given reasonable identification of their employment. The term 'correctional officer' shall also include county jail officers who are certified or registered by the Georgia Peace Officer Standards and Training Council pursuant to Chapter 8 of Title 35.

(2) A person who knowingly commits the offense of aggravated assault upon a correctional officer while the correctional officer is engaged in, or on account of the

performance of, his or her official duties shall, upon conviction thereof, be punished by imprisonment for not less than five nor more than 20 years.

(f) Any person who commits the offense of aggravated assault in a public transit vehicle or station shall, upon conviction thereof, be punished by imprisonment for not less than three nor more than 20 years. For purposes of this Code section, 'public transit vehicle' has the same meaning as in subsection (c) of Code Section 16-5-20.

(f.1) Any person who commits the offense of aggravated assault upon a person in the course of violating Code Section 16-8-2 where the property that was the subject of the theft was a vehicle engaged in commercial transportation of cargo or any appurtenance thereto, including without limitation any such trailer, semitrailer, container, or other associated equipment, or the cargo being transported therein or thereon, shall upon conviction be punished by imprisonment for not less than five years nor more than 20 years, a fine not less than \$50,000.00 nor more than \$200,000.00, or both such fine and imprisonment. For purposes of this subsection, the term 'vehicle' includes without limitation any railcar.

(g) A person convicted of an offense described in paragraph (3) of subsection (a) of this Code section shall be punished by imprisonment for not less than five nor more than 20 years.

(h) Any person who commits the offense of aggravated assault involving the use of a firearm upon a student or teacher or other school personnel within a school safety zone as defined in paragraph (1) of subsection (a) of Code Section 16-11-127.1 shall, upon conviction thereof, be punished by imprisonment for not less than five nor more than 20 years.

(i) If the offense of aggravated assault is committed between past or present spouses, persons who are parents of the same child, parents and children, stepparents and stepchildren, foster parents and foster children, or other persons excluding siblings living or formerly living in the same household, the defendant shall be punished by imprisonment for not less than three nor more than 20 years.

(j) Any person who commits the offense of aggravated assault with intent to rape against a child under the age of 14 years shall be punished by imprisonment for not less than 25 nor more than 50 years. Any person convicted under this subsection shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

SECTION 3.

Said title is further amended by striking Code Section 16-5-40, relating to kidnapping, and inserting in lieu thereof the following:

"16-5-40.

(a) A person commits the offense of kidnapping when he abducts or steals away any person without lawful authority or warrant and holds such person against his will.

(b) A person convicted of the offense of kidnapping shall be punished by:

- (1) Imprisonment ~~imprisonment~~ for not less than ten nor more than 20 years; ~~provided that a person convicted of the offense of kidnapping for ransom shall be punished by~~ if the kidnapping involved a victim who was 14 years of age or older;
- (2) Imprisonment for not less than 25 nor more than 50 years if the kidnapping involved a victim who is less than 14 years of age;
- (3) Life ~~life~~ imprisonment or ~~by death and provided, further, that, if the person kidnapped shall have received bodily injury, the person convicted shall be punished by~~ if the kidnapping was for ransom; or
- (4) Life ~~life~~ imprisonment or ~~by death~~ if the person kidnapped received bodily injury.
- (c) Any person convicted under this Code section shall, in addition, be subject to the sentencing and punishment provisions of Code Sections 17-10-6.1 and 17-10-7."

SECTION 4.

Said title is further amended by striking Code Section 16-5-41, relating to false imprisonment, and inserting in lieu thereof the following:

"16-5-41.

- (a) A person commits the offense of false imprisonment when, in violation of the personal liberty of another, he arrests, confines, or detains such person without legal authority.
- (b) A person convicted of the offense of false imprisonment shall be punished by imprisonment for not less than one nor more than ten years.
- (c) Any person convicted under this Code section wherein the victim is not the child of the defendant and the victim is less than 14 years of age shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

SECTION 5.

Said title is further amended by striking Code Section 16-6-1, relating to rape, and inserting in lieu thereof the following:

"16-6-1.

- (a) A person commits the offense of rape when he has carnal knowledge of:

- (1) A female forcibly and against her will; or
- (2) A female who is less than ten years of age.

Carnal knowledge in rape occurs when there is any penetration of the female sex organ by the male sex organ. The fact that the person allegedly raped is the wife of the defendant shall not be a defense to a charge of rape.

- (b) A person convicted of the offense of rape shall be punished by death, by imprisonment for life without parole, by imprisonment for life, or by imprisonment for not less than ~~ten~~ 25 nor more than ~~20~~ 50 years. Any person convicted under this Code section shall, in addition, be subject to the sentencing and punishment provisions of Code Sections 17-10-6.1 and 17-10-7.

- (c) When evidence relating to an allegation of rape is collected in the course of a medical examination of the person who is the victim of the alleged crime, the law enforcement agency investigating the alleged crime shall be responsible for the cost of

the medical examination to the extent that expense is incurred for the limited purpose of collecting evidence."

SECTION 6.

Said title is further amended by striking Code Section 16-6-2, relating to sodomy and aggravated sodomy, and inserting in lieu thereof the following:

"16-6-2.

(a)(1) A person commits the offense of sodomy when he or she performs or submits to any sexual act involving the sex organs of one person and the mouth or anus of another.

(2) A person commits the offense of aggravated sodomy when he or she commits sodomy with force and against the will of the other person or when he or she commits sodomy with a person who is less than ten years of age. The fact that the person allegedly sodomized is the spouse of a defendant shall not be a defense to a charge of aggravated sodomy.

(b)(1) Except as provided in subsection (d) of this Code section, a A person convicted of the offense of sodomy shall be punished by imprisonment for not less than one nor more than 20 years and shall be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

(2) A person convicted of the offense of aggravated sodomy shall be punished by imprisonment for life or by imprisonment for not less than ~~ten~~ 25 nor more than ~~30~~ 50 years. Any person convicted under this Code section of the offense of aggravated sodomy shall, in addition, be subject to the sentencing and punishment provisions of Code Sections 17-10-6.1 and 17-10-7.

(c) When evidence relating to an allegation of aggravated sodomy is collected in the course of a medical examination of the person who is the victim of the alleged crime, the law enforcement agency investigating the alleged crime shall be financially responsible for the cost of the medical examination to the extent that expense is incurred for the limited purpose of collecting evidence.

(d) If the victim is 14 or 15 years of age and the person convicted of sodomy is no more than three years older than the victim, such person shall be guilty of a misdemeanor and shall not be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

SECTION 7.

Said title is further amended by striking Code Section 16-6-3, relating to statutory rape, and inserting in lieu thereof the following:

"16-6-3.

(a) A person commits the offense of statutory rape when he or she engages in sexual intercourse with any person under the age of 16 years and not his or her spouse, provided that no conviction shall be had for this offense on the unsupported testimony of the victim.

(b) Except as provided in subsection (c) of this Code section, a A person convicted of the offense of statutory rape shall be punished by imprisonment for not less than one nor more than 20 years; provided, however, that if the person so convicted is 21 years of age or older, such person shall be punished by imprisonment for not less than ten nor more than 20 years; ~~provided, further, that if.~~ Any person convicted under this subsection of the offense of statutory rape shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

(c) If the victim is 14 or 15 years of age and the person so convicted is no more than three years older than the victim, such person shall be guilty of a misdemeanor."

SECTION 8.

Said title is further amended by striking Code Section 16-6-4, relating to child molestation and aggravated child molestation, and inserting in lieu thereof the following:

"16-6-4.

(a) A person commits the offense of child molestation when he or she does any immoral or indecent act to or in the presence of or with any child under the age of 16 years with the intent to arouse or satisfy the sexual desires of either the child or the person.

(b)(1) Except as provided in paragraph (2) of this subsection, a A person convicted of a first offense of child molestation shall be punished by imprisonment for not less than five nor more than 20 years and shall be subject to the sentencing and punishment provisions of Code Sections 17-10-6.2 and 17-10-7. ~~Upon such first conviction of the offense of child molestation, the judge may probate the sentence; and such probation may be upon the special condition that the defendant undergo a mandatory period of counseling administered by a licensed psychiatrist or a licensed psychologist. However, if the judge finds that such probation should not be imposed, he or she shall sentence the defendant to imprisonment; provided, further, that upon a defendant's~~ Upon a defendant being incarcerated on a conviction for such a first offense, the Department of Corrections shall provide counseling to such defendant. Except as provided in paragraph (2) of this subsection, upon ~~Upon~~ a second or subsequent conviction of an offense of child molestation, the defendant shall be punished by imprisonment for not less than ten years nor more than 30 years or by imprisonment for life and shall be subject to the sentencing and punishment provisions of Code Sections 17-10-6.2 and 17-10-7; provided, however, that prior to trial, a defendant shall be given notice, in writing, that the state intends to seek a punishment of life imprisonment. ~~Adjudication of guilt or imposition of sentence for a conviction of a second or subsequent offense of child molestation, including a plea of nolo contendere, shall not be suspended, probated, deferred, or withheld.~~

(2) If the victim is 14 or 15 years of age and the person convicted of the offense of child molestation is no more than three years older than the victim, such person shall be guilty of a misdemeanor and shall not be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

(c) A person commits the offense of aggravated child molestation when such person commits an offense of child molestation which act physically injures the child, ~~or~~ involves an act of sodomy.

~~(d)(1) Except as provided in paragraph (2) of this subsection, a~~ A person convicted of the offense of aggravated child molestation shall be punished by imprisonment for not less than ~~ten 25~~ nor more than ~~30 50~~ years. ~~Any person convicted under this Code section of the offense of aggravated child molestation shall, in addition, and shall be~~ subject to the sentencing and punishment provisions of Code Sections 17-10-6.1 and 17-10-7.

(2) A person convicted of the offense of aggravated child molestation when:

(A) The victim is 14 or 15 years of age;

(B) The person so convicted is no more than three years older than the victim; and

(C) The basis of the charge of aggravated child molestation involves an act of sodomy

shall be guilty of a misdemeanor and shall not be subject to the sentencing and punishment provisions of Code Section 17-10-6.1.

~~(2) The court sentencing a person who has been convicted of a first offense of aggravated child molestation when the victim is 16 years of age or younger at the time of the offense is authorized to require, before sentencing, that the defendant undergo a psychiatric evaluation to ascertain whether or not medroxyprogesterone acetate chemical treatment or its equivalent would be effective in changing the defendant's behavior. If it is determined by a qualified mental health professional that such treatment would be effective, the court may require, as a condition of probation and upon provisions arranged between the court and the defendant, the defendant to undergo medroxyprogesterone acetate treatment or its chemical equivalent which must be coupled with treatment by a qualified mental health professional. In case of a person sentenced to probation who is required to undergo such treatment or its chemical equivalent and is in the custody of a law enforcement agency or confined in a jail at the time of sentencing, when he or she becomes eligible for probation, such person shall begin medroxyprogesterone acetate treatment and counseling prior to his or her release from custody or confinement. A person sentenced to probation who is required to undergo such treatment and who is not in the custody of a law enforcement agency or confined in a jail at the time of sentencing shall be taken into custody or confined until treatment can begin. Additional treatment may continue after such defendant's release from custody or confinement until the defendant demonstrates to the court that such treatment is no longer necessary. No such treatment shall be administered until such person has been fully informed of the side effects of hormonal chemical treatment and has consented to the treatment in writing. The administration of the treatment shall conform to the procedures and conditions set out in subsection (c) of Code Section 42-9-44.2.~~

~~(3) Any physician or qualified mental health professional who acts in good faith in compliance with the provisions of this Code section and subsection (c) of Code Section 42-9-44.2 in the administration of treatment or provision of counseling~~

~~provided for in this Code section shall be immune from civil or criminal liability for his or her actions in connection with such treatment or counseling."~~

SECTION 9.

Said title is further amended by striking Code Section 16-6-5, relating to enticing a child for indecent purposes, and inserting in lieu thereof the following:

"16-6-5.

(a) A person commits the offense of enticing a child for indecent purposes when he or she solicits, entices, or takes any child under the age of 16 years to any place whatsoever for the purpose of child molestation or indecent acts.

(b) Except as provided in subsection (c) of this Code section, a A person convicted of the offense of enticing a child for indecent purposes shall be punished by imprisonment for not less than ~~one~~ ten nor more than ~~20~~ 30 years. Any person convicted under this Code section of the offense of enticing a child for indecent purposes shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2. ~~Upon a first conviction of the offense of enticing a child for indecent purposes, the judge may probate the sentence; and such probation may be upon the special condition that the defendant undergo a mandatory period of counseling administered by a licensed psychiatrist or a licensed psychologist. However, if the judge finds that such probation should not be imposed, he shall sentence the defendant to imprisonment. Upon a second or third conviction of such offense, the defendant shall be punished by imprisonment for not less than five years. For a fourth or subsequent conviction of the offense of enticing a child for indecent purposes, the defendant shall be punished by imprisonment for 20 years. Adjudication of guilt or imposition of sentence for a conviction of a third, fourth, or subsequent offense of enticing a child for indecent purposes, including a plea of nolo contendere, shall not be suspended, probated, deferred, or withheld.~~

(c) If the victim is 14 or 15 years of age and the person convicted of enticing a child for indecent purposes is no more than three years older than the victim, such person shall be guilty of a misdemeanor and shall not be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

SECTION 10.

Said title is further amended by striking Code Section 16-6-5.1, relating to sexual assault against persons in custody, and inserting in lieu thereof the following:

"16-6-5.1.

(a) As used in this Code section, the term:

(1) 'Actor' means a person accused of sexual assault.

(2) 'Intimate parts' means the genital area, groin, inner thighs, buttocks, or breasts of a person.

(3) 'Psychotherapy' means the professional treatment or counseling of a mental or emotional illness, symptom, or condition.

(4) 'Sexual contact' means any contact ~~between for the purpose of sexual gratification of the actor and a person not married to the actor involving with the intimate parts of a person not married to the actor~~ either person for the purpose of sexual gratification of the actor.

(b) A probation or parole officer or other custodian or supervisor of another person referred to in this Code section commits sexual assault when he or she engages in sexual contact with another person who is a probationer or parolee under the supervision of said probation or parole officer or who is in the custody of law or who is enrolled in a school or who is detained in or is a patient in a hospital or other institution and such actor has supervisory or disciplinary authority over such other person. A person convicted of sexual assault shall be punished by imprisonment for not less than ~~one ten~~ nor more than three 30 years; provided, however, that any person convicted of the offense of sexual assault under this subsection of a child under the age of 14 years shall be punished by imprisonment for not less than 25 nor more than 50 years. Any person convicted under this subsection of the offense of sexual assault shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

(c)(1) A person commits sexual assault when such person has supervisory or disciplinary authority over another person and such person engages in sexual contact with that other person who is:

(A) In the custody of law; or

(B) Detained in or is a patient in a hospital or other institution.

(2) A person commits sexual assault when, as an actual or purported practitioner of psychotherapy, he or she engages in sexual contact with another person who the actor knew or should have known is the subject of the actor's actual or purported treatment or counseling, or, if the treatment or counseling relationship was used to facilitate sexual contact between the actor and said person.

(3) Consent of the victim shall not be a defense to a prosecution under this subsection.

(4) A person convicted of sexual assault under this subsection shall be punished by imprisonment for not less than ~~one ten~~ nor more than three 30 years; provided, however, that any person convicted of the offense of sexual assault under this subsection of a child under the age of 14 years shall be punished by imprisonment for not less than 25 nor more than 50 years. Any person convicted under this subsection of the offense of sexual assault shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2.

(d) A person who is an employee, agent, or volunteer at any facility licensed or required to be licensed under Code Section 31-7-3, relating to long-term care facilities, or Code Section 31-7-12, relating to personal care homes, or who is required to be licensed pursuant to Code Section 31-7-151 or 31-7-173, relating to home health care and hospices, commits sexual assault when such person engages in sexual contact with another person who has been admitted to or is receiving services from such facility, person, or entity. A person convicted of sexual assault pursuant to this subsection shall

be punished by imprisonment for not less than ~~one~~ ten nor more than ~~five~~ 30 years, or a fine of not more than \$5,000.00, or both. Any violation of this subsection shall constitute a separate offense. Any person convicted under this subsection of the offense of sexual assault shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

SECTION 11.

Said title is further amended by striking Code Section 16-6-22, relating to incest, and inserting in lieu thereof the following:

"16-6-22.

(a) A person commits the offense of incest when he or she engages in sexual intercourse with a person to whom he or she knows he or she is related either by blood or by marriage as follows:

- (1) Father and daughter or stepdaughter;
- (2) Mother and son or stepson;
- (3) Brother and sister of the whole blood or of the half blood;
- (4) Grandparent and grandchild;
- (5) Aunt and nephew; or
- (6) Uncle and niece.

(b) A person convicted of the offense of incest shall be punished by imprisonment for not less than ~~one~~ ten nor more than ~~20~~ 30 years; provided, however, that any person convicted of the offense of incest under this subsection with a child under the age of 14 years shall be punished by imprisonment for not less than 25 nor more than 50 years. Any person convicted under this Code section of the offense of incest shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

SECTION 12.

Said title is further amended by striking Code Section 16-6-22.1, relating to sexual battery, and inserting in lieu thereof the following:

"16-6-22.1.

(a) For the purposes of this Code section, the term 'intimate parts' means the primary genital area, anus, groin, inner thighs, or buttocks of a male or female and the breasts of a female.

(b) A person commits the offense of sexual battery when he or she intentionally makes physical contact with the intimate parts of the body of another person without the consent of that person.

(c) Except as otherwise provided in this Code section, a person convicted of the offense of sexual battery shall be punished as for a misdemeanor of a high and aggravated nature.

(d) A person convicted of the offense of sexual battery against any child under the age of 16 years shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years.

(e) Upon a second or subsequent conviction under this Code section, a person shall, in addition, be subject to the sentencing and punishment provisions of Code Section 17-10-6.2."

SECTION 13.

Said title is further amended by striking Code Section 16-6-22.2, relating to aggravated sexual battery, and inserting in lieu thereof the following:

"16-6-22.2.

(a) For the purposes of this Code section, the term 'foreign object' means any article or instrument other than the sexual organ of a person.

(b) A person commits the offense of aggravated sexual battery when he or she intentionally penetrates with a foreign object the sexual organ or anus of another person without the consent of that person.

(c) A person convicted of the offense of aggravated sexual battery shall be punished by imprisonment for not less than ~~ten~~ 25 nor more than ~~20~~ 50 years. ~~Any person convicted under this Code section shall, in addition, and shall~~ be subject to the sentencing and punishment provisions of Code Sections 17-10-6.1 and 17-10-7."

SECTION 14.

Said title is further amended by inserting at the end thereof a new Code Section 16-6-25 to read as follows:

"16-6-25.

(a) As used in this Code section, the term 'law enforcement unit' means any agency, organ, or department of this state, or a subdivision or municipality thereof, whose primary functions include the enforcement of criminal or traffic laws; the preservation of public order; the protection of life and property; or the prevention, detection, or investigation of crime. Such term shall also include the Department of Corrections and the State Board of Pardons and Paroles.

(b) Any person who knows or reasonably believes that a sexual offender, as defined in Code Section 42-1-12, is not complying, or has not complied, with the requirements of Code Section 42-1-12 and who, with the intent to assist such sexual offender in eluding a law enforcement unit that is seeking such sexual offender to question him or her about, or to arrest him or her for, his or her noncompliance with the requirements of Code Section 42-1-12:

(1) Harbors, attempts to harbor, or assists another person in harboring or attempting harbor such sexual offender;

(2) Conceals, attempts to conceal, or assists another person in concealing or attempting to conceal such sexual offender; or

(3) Provides information to the law enforcement unit regarding such sexual offender which the person knows to be false information

commits a felony and shall be punished by imprisonment for not less than five nor more than 20 years."

SECTION 15.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by striking paragraph (1) of subsection (a) of Code Section 17-10-1, relating to the fixing of a sentence, and inserting in lieu thereof the following:

"(a)(1) Except in cases in which life imprisonment, life without parole, or the death penalty may be imposed, upon a verdict or plea of guilty in any case involving a misdemeanor or felony, and after a presentence hearing, the judge fixing the sentence shall prescribe a determinate sentence for a specific number of months or years which shall be within the minimum and maximum sentences prescribed by law as the punishment for the crime. The judge imposing the sentence is granted power and authority to suspend or probate all or any part of the entire sentence under such rules and regulations as the judge deems proper, including service of a probated sentence in the sentencing options system, as provided by Article 9 of Chapter 8 of Title 42, and including the authority to revoke the suspension or probation when the defendant has violated any of the rules and regulations prescribed by the court, even before the probationary period has begun, subject to the conditions set out in this subsection; provided, however, that such action shall be subject to the provisions of Code ~~Section~~ Sections 17-10-6.1 and 17-10-6.2."

SECTION 16.

Said title is further amended by striking Code Section 17-10-6.1, relating to punishment for serious violent offenders, and inserting in lieu thereof the following:

"17-10-6.1.

(a) As used in this Code section, the term 'serious violent felony' means:

- (1) Murder or felony murder, as defined in Code Section 16-5-1;
- (2) Armed robbery, as defined in Code Section 16-8-41;
- (3) Kidnapping, as defined in Code Section 16-5-40;
- (4) Rape, as defined in Code Section 16-6-1;
- (5) Aggravated child molestation, as defined in subsection (c) of Code Section 16-6-4, unless subject to the provisions of paragraph (2) of subsection (d) of Code Section 16-6-4;
- (6) Aggravated sodomy, as defined in Code Section 16-6-2; or
- (7) Aggravated sexual battery, as defined in Code Section 16-6-22.2.

(b)(1) Notwithstanding any other provisions of law to the contrary, any person convicted of a the serious violent felony as defined in paragraphs (2) through (7) of subsection (a) of this Code section of kidnapping involving a victim who is 14 years of age or older or armed robbery shall be sentenced to a mandatory minimum term of imprisonment of ten years and no portion of the mandatory minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld by the sentencing court and shall not be reduced by any form of pardon, parole, or commutation of sentence by the State Board of Pardons and Paroles.

(2) Notwithstanding any other provisions of law to the contrary, any person convicted of the serious violent felony of:

(A) Kidnapping involving a victim who is less than 14 years of age;

(B) Rape;

(C) Aggravated child molestation, as defined in subsection (c) of Code Section 16-6-4, unless subject to the provisions of paragraph (2) of subsection (d) of Code Section 16-6-4;

(D) Aggravated sodomy, as defined in Code Section 16-6-2; or

(E) Aggravated sexual battery, as defined in Code Section 16-6-22.2

shall be sentenced to a split sentence which shall include a mandatory minimum term of imprisonment of 25 years followed by probation for the remainder of the person's natural life. No portion of the mandatory minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld by the sentencing court and shall not be reduced by any form of pardon, parole, or commutation of sentence by the State Board of Pardons and Paroles.

(3) No person convicted of a serious violent felony as defined in subsection (a) of this Code section shall be sentenced as a first offender pursuant to Article 3 of Chapter 8 of Title 42, relating to probation for first offenders, or any other provision of Georgia law relating to the sentencing of first offenders. The State of Georgia shall have the right to appeal any sentence which is imposed by the superior court which does not conform to the provisions of this subsection in the same manner as is provided for other appeals by the state in accordance with Chapter 7 of Title 5, relating to appeals or certiorari by the state.

(c)(1) Except as otherwise provided in subsection (c) of Code Section 42-9-39, for a first conviction of a serious violent felony in which the defendant has been sentenced to life imprisonment, that person shall not be eligible for any form of parole or early release administered by the State Board of Pardons and Paroles until that person has served a minimum of ~~44~~ 20 years in prison. The minimum term of imprisonment shall not be reduced by any earned time, early release, work release, leave, or other sentence-reducing measures under programs administered by the Department of Corrections.

(2) For a first conviction of a serious violent felony in which the defendant has been sentenced to death but the sentence of death has been commuted to life imprisonment, that person shall not be eligible for any form of parole or early release administered by the State Board of Pardons and Paroles until that person has served a minimum of 25 years in prison. The minimum term of imprisonment shall not be reduced by any earned time, early release, work release, leave, or other sentence-reducing measures under programs administered by the Department of Corrections.

(3) Any sentence imposed for the first conviction of any serious violent felony other than a sentence of life imprisonment or life without parole or death shall be served in its entirety as imposed by the sentencing court and shall not be reduced by any form of parole or early release administered by the State Board of Pardons and Paroles or by any earned time, early release, work release, leave, or other sentence-reducing measures under programs administered by the Department of Corrections, the effect

of which would be to reduce the period of incarceration ordered by the sentencing court.

(d) For purposes of this Code section, a first conviction of any serious violent felony means that the person has never been convicted of a serious violent felony under the laws of this state or of an offense under the laws of any other state or of the United States, which offense if committed in this state would be a serious violent felony. Conviction of two or more crimes charged on separate counts of one indictment or accusation, or in two or more indictments or accusations consolidated for trial, shall be deemed to be only one conviction."

SECTION 17.

Said title is further amended by adding a new Code section to follow Code Section 17-10-6.1, relating to punishment for serious violent offenders, to read as follows:

"17-10-6.2.

(a) As used in this Code section, the term 'sexual offense' means:

- (1) Aggravated assault with the intent to rape, as defined in Code Section 16-5-21;
- (2) False imprisonment, as defined in Code Section 16-5-41, if the victim is not the child of the defendant and the victim is less than 14 years of age;
- (3) Sodomy, as defined in Code Section 16-6-2, unless subject to the provisions of subsection (d) of Code Section 16-6-2;
- (4) Statutory rape, as defined in Code Section 16-6-3, if the person convicted of the crime is 21 years of age or older;
- (5) Child molestation, as defined in subsection (a) of Code Section 16-6-4, unless subject to the provisions of paragraph (2) of subsection (b) of Code Section 16-6-4;
- (6) Enticing a child for indecent purposes, as defined in Code Section 16-6-5, unless subject to the provisions of subsection (c) of Code Section 16-6-5;
- (7) Sexual assault against persons in custody, as defined in Code Section 16-6-5.1;
- (8) Incest, as defined in Code Section 16-6-22;
- (9) A second or subsequent conviction for sexual battery, as defined in Code Section 16-6-22.1; or
- (10) Sexual exploitation of children, as defined in Code Section 16-12-100.

(b) Except as provided in subsection (c) of this Code section, and notwithstanding any other provisions of law to the contrary, any person convicted of a sexual offense shall be sentenced to a split sentence which shall include the minimum term of imprisonment specified in the Code section applicable to the offense. No portion of the mandatory minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld by the sentencing court and such sentence shall include, in addition to the mandatory imprisonment, an additional probated sentence of at least one year. No person convicted of a sexual offense shall be sentenced as a first offender pursuant to Article 3 of Chapter 8 of Title 42, relating to probation for first offenders, or any other provision of Georgia law relating to the sentencing of first offenders.

(c)(1) In the court's discretion, the court may deviate from the mandatory minimum sentence as set forth in subsection (b) of this Code section, or any portion thereof, provided that:

(A) The defendant has no prior conviction of an offense prohibited by Chapter 6 of Title 16 or Part 2 of Article 3 of Chapter 12 of Title 16, nor a prior conviction for any offense under federal law or the laws of another state or territory of the United States which consists of the same or similar elements of offenses prohibited by Chapter 6 of Title 16 or Part 2 of Article 3 of Chapter 12 of Title 16;

(B) The defendant did not use a deadly weapon or any object, device, or instrument which when used offensively against a person would be likely to or actually did result in serious bodily injury during the commission of the offense;

(C) The court has not found evidence of a relevant similar transaction;

(D) The victim did not suffer any physical injury or visible bodily harm during the commission of the offense;

(E) The offense did not involve transportation of the victim; and

(F) The victim was not physically restrained during the commission of the offense.

(2) If the court deviates in sentencing pursuant to this subsection, the judge shall issue a written order setting forth the judge's reasons.

(d) If the court imposes a probated sentence, the defendant shall submit to review by the Sexual Offender Registration Review Board for purposes of risk assessment classification within ten days of being sentenced and shall otherwise comply with Article 2 of Chapter 1 of Title 42."

SECTION 18.

Said title is further amended in subsection (b) of Code Section 17-10-30, relating to the procedure for implementation of the death penalty generally, by striking "or" at the end of paragraph (9), by adding "; or" at the end of paragraph (10), and by adding a new paragraph (11) to read as follows:

"(11) The offense of murder, rape, or kidnapping was committed by a person previously designated as a sexually dangerous predator pursuant to Code Section 42-1-14."

SECTION 19.

Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and agencies, is amended by striking subparagraph (A) of paragraph (4) of Code Section 35-3-30, relating to definitions used for the Georgia Crime Information Center article, and inserting in lieu thereof the following:

"(A) 'Criminal history record information' means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, accusations, information, or other formal charges, and any disposition arising therefrom, sentencing, correctional supervision, and release. Such term also includes the age and sex of each victim as provided by criminal justice agencies. The term does not include identification information, such

as fingerprint records, to the extent that such information does not indicate involvement of the individual in the criminal justice system."

SECTION 20.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by designating Code Sections 42-1-1 through 42-1-11 as Article 1 of Chapter 1, striking in their entirety Code Sections 42-1-12 and 42-1-13, and inserting in their place a new Article 2 to read as follows:

"ARTICLE 2

42-1-12.

(a) As used in this article, the term:

(1) 'Address' means the street or route address of the sexual offender's residence. For purposes of this Code section, the term does not mean a post office box, and homeless does not constitute an address.

(2) 'Appropriate official' means:

(A) With respect to a sexual offender who is sentenced to probation without any sentence of incarceration in the state prison system or who is sentenced pursuant to Article 3 of Chapter 8 of this title, relating to first offenders, the Division of Probation of the Department of Corrections;

(B) With respect to a sexual offender who is sentenced to a period of incarceration in a prison under the jurisdiction of the Department of Corrections and who is subsequently released from prison or placed on probation, the commissioner of corrections or his or her designee;

(C) With respect to a sexual offender who is placed on parole, the chairperson of the State Board of Pardons and Paroles or his or her designee; and

(D) With respect to a sexual offender who is placed on probation through a private probation agency, the director of the private probation agency or his or her designee.

(3) 'Area where minors congregate' shall include all public and private parks and recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasiums, bus stops, and all other places established for the public to congregate and wait for public transportation.

(4) 'Assessment criteria' means the tests that the board members use to determine the likelihood that a sexual offender will commit another criminal offense against a victim who is a minor or commit a dangerous sexual offense.

(5) 'Board' means the Sexual Offender Registration Review Board.

(6) 'Child care facility' means all public and private pre-kindergarten facilities, day-care centers, preschool facilities, and long-term care facilities for children.

(7) 'Church' means a place of public religious worship.

(8) 'Conviction' includes a final judgment of conviction entered upon a verdict or finding of guilty of a crime, a plea of guilty, or a plea of nolo contendere. A defendant who is discharged without adjudication of guilt and who is not considered

to have a criminal conviction pursuant to Article 3 of Chapter 8 of this title, relating to first offenders, shall be subject to the registration requirements of this Code section for the period of time prior to the defendant's discharge after completion of his or her sentence or upon the defendant being adjudicated guilty. Unless otherwise required by federal law, a defendant who is discharged without adjudication of guilt and who is not considered to have a criminal conviction pursuant to Article 3 of Chapter 8 of this title, relating to first offenders, shall not be subject to the registration requirements of this Code section upon the defendant's discharge.

(9)(A) 'Criminal offense against a victim who is a minor' with respect to convictions occurring on or before June 30, 2001, means any criminal offense under Title 16 or any offense under federal law or the laws of another state or territory of the United States which consists of:

- (i) Kidnapping of a minor, except by a parent;
- (ii) False imprisonment of a minor, except by a parent;
- (iii) Criminal sexual conduct toward a minor;
- (iv) Solicitation of a minor to engage in sexual conduct;
- (v) Use of a minor in a sexual performance;
- (vi) Solicitation of a minor to practice prostitution; or
- (vii) Any conviction resulting from an underlying sexual offense against a victim who is a minor.

(B) 'Criminal offense against a victim who is a minor' with respect to convictions occurring after June 30, 2001, means any criminal offense under Title 16 or any offense under federal law or the laws of another state or territory of the United States which consists of:

- (i) Kidnapping of a minor, except by a parent;
- (ii) False imprisonment of a minor, except by a parent;
- (iii) Criminal sexual conduct toward a minor;
- (iv) Solicitation of a minor to engage in sexual conduct;
- (v) Use of a minor in a sexual performance;
- (vi) Solicitation of a minor to practice prostitution;
- (vii) Use of a minor to engage in any sexually explicit conduct to produce any visual medium depicting such conduct;
- (viii) Creating, publishing, selling, distributing, or possessing any material depicting a minor or a portion of a minor's body engaged in sexually explicit conduct;
- (ix) Transmitting, making, selling, buying, or disseminating by means of a computer any descriptive or identifying information regarding a child for the purpose of offering or soliciting sexual conduct of or with a child or the visual depicting of such conduct;
- (x) Conspiracy to transport, ship, receive, or distribute visual depictions of minors engaged in sexually explicit conduct; or
- (xi) Any conduct which, by its nature, is a sexual offense against a minor.

(C) For purposes of subparagraph (a)(9)(B) of this Code section, conduct which is punished as for a misdemeanor or which is prosecuted in juvenile court shall not be considered a criminal offense against a victim who is a minor.

(10)(A) 'Dangerous sexual offense' with respect to convictions occurring after June 30, 2006, means any criminal offense under Title 16 as specified in this paragraph or any offense under federal law or the laws of another state or territory of the United States which consists of the same or similar elements of the following offenses:

- (i) Aggravated assault with the intent to rape in violation of Code Section 16-5-2;
- (ii) Kidnapping in violation of Code Section 16-5-40 which involves a victim who is less than 14 years of age, except by a parent;
- (iii) False imprisonment in violation of Code Section 16-5-41 which involves a victim who is less than 14 years of age, except by a parent;
- (iv) Rape in violation of Code Section 16-6-1;
- (v) Sodomy in violation of Code Section 16-6-2;
- (vi) Aggravated sodomy in violation of Code Section 16-6-2;
- (vii) Statutory rape in violation of Code Section 16-6-3, if the individual convicted of the offense is 21 years of age or older;
- (viii) Child molestation in violation of Code Section 16-6-4;
- (ix) Aggravated child molestation in violation of Code Section 16-6-4, unless the person was convicted of a misdemeanor offense;
- (x) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
- (xi) Sexual assault against persons in custody in violation of Code Section 16-6-5.1;
- (xii) Incest in violation of Code Section 16-6-22;
- (xiii) A second conviction for sexual battery in violation of Code Section 16-6-22.1;
- (xiv) Aggravated sexual battery in violation of Code Section 16-6-23;
- (xv) Sexual exploitation of children in violation of Code Section 16-12-100;
- (xvi) Electronically furnishing obscene material to minors in violation of Code Section 16-12-100.1;
- (xvii) Computer pornography and child exploitation prevention in violation of Code Section 16-12-100.2;
- (xviii) Obscene telephone contact in violation of Code Section 16-12-100.3; or
- (xix) Any conduct which, by its nature, is a sexual offense against a minor or an attempt to commit a sexual offense against a minor.

(B) For purposes of this paragraph, conduct which is punished as for a misdemeanor or which is prosecuted in juvenile court shall not be considered a dangerous sexual offense.

(11) 'Institution of higher education' means a private or public community college, state university, state college, or independent postsecondary institution.

(12) 'Level I risk assessment classification' means the sexual offender is a low sex offense risk and low general recidivism risk.

(13) 'Level II risk assessment classification' means the sexual offender is an intermediate sex offense risk and intermediate general recidivism risk and includes all sexual offenders who do not meet the criteria for classification either as a sexually dangerous predator or for Level I risk assessment.

(14) 'Minor' means any individual under the age of 18 years and any individual that the sexual offender believed at the time of the offense was under the age of 18 years if such individual was the victim of an offense.

(15) 'Required registration information' means:

(A) Name; social security number; age; race; sex; date of birth; height; weight; hair color, eye color, fingerprints; and photograph;

(B) Address of any permanent residence and address of any current temporary residence, within the state or out of state, and, if applicable in addition to the address, a rural route address and a post office box;

(C) If the place of residence is a motor vehicle or trailer, provide the vehicle identification number, the license tag number, and a description, including color scheme, of the motor vehicle or trailer;

(D) If the place of residence is a mobile home, provide the mobile home location permit number; the name and address of the owner of the home; a description, including the color scheme of the mobile home; and, if applicable, a description of where the mobile home is located on the property;

(E) If the place of residence is a manufactured home, provide the title number assigned to the home; the name and address of the owner of the home; a description, including the color scheme of the manufactured home; and, if applicable, a description of where the manufactured home is located on the property.

(F) If the place of residence is a vessel, live-aboard vessel, or houseboat, provide the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat;

(G) Date of employment, place of any employment, and address of employer;

(H) Place of vocation and address of the place of vocation;

(I) Vehicle make, model, color, and license tag number;

(J) If enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the name, address, and county of each institution, including each campus attended, and enrollment or employment status; and

(K) The name of the crime or crimes for which the sexual offender is registering and the date released from prison or placed on probation, parole, or supervised release.

(16) 'Risk assessment classification' means the notification level into which a sexual offender is placed based on the board's assessment.

(17) 'School' means all public and private kindergarten, elementary, and secondary schools.

(18) 'Sexual offender' means any individual:

(A) Who has been convicted of a criminal offense against a victim who is a minor or any dangerous sexual offense; or

(B) Who has been convicted under the laws of another state or territory, under the laws of the United States, under the Uniform Code of Military Justice, or in a tribal court of a criminal offense against a victim who is a minor or a dangerous sexual offense.

(19) 'Sexually dangerous predator' means a sexual offender:

(A) Who was designated as a sexually violent offender between July 1, 1996, and June 30, 2006; or

(B) Who has been convicted on or after July 1, 2006, of a dangerous sexual offense; and

who is determined by the Sexual Offender Registration Review Board to be at risk of perpetrating any future dangerous sexual offense.

(20) 'Vocation' means any full-time, part-time, or volunteer employment with or without compensation exceeding 14 consecutive days or for an aggregate period of time exceeding 30 days during any calendar year.

(b) Before a sexual offender who is required to register under this Code section is released from prison or placed on parole, supervised release, or probation, the appropriate official shall:

(1) Inform the sexual offender of the obligation to register, the amount of the registration fee, and how to maintain registration;

(2) Obtain the information necessary for the required registration information;

(3) Inform the sexual offender that, if the sexual offender changes any of the required registration information, other than residence address, the sexual offender shall give the new information to the sheriff of the county with whom the sexual offender is registered within 72 hours of the change of information; if the information is the sexual offender's new residence address, the sexual offender shall give the information to the sheriff of the county with whom the sexual offender last registered not sooner than 72 hours before moving and to the sheriff of the county to which the sexual offender is moving not later than 72 hours after the change of information;

(4) Inform the sexual offender that he or she shall also register in any state where he or she is employed, carries on a vocation, or is a student;

(5) Inform the sexual offender that, if he or she changes residence to another state, the sexual offender shall register the new address with the sheriff of the county with whom the sexual offender last registered, and that the sexual offender shall also register with a designated law enforcement agency in the new state not later than 72 hours after establishing residence in the new state;

(6) Obtain fingerprints and a current photograph of the sexual offender;

(7) Require the sexual offender to read and sign a form stating that the obligations of the sexual offender have been explained;

(8) Obtain and forward any information obtained from the clerk of court pursuant to Code Section 42-5-50 to the sheriff's office of the county in which the sexual offender will reside; and

- (9) If required by Code Section 42-1-14, place any required electronic monitoring device on the sexually dangerous predator and explain its operation and cost.
- (c) The Department of Corrections shall:
- (1) Forward to the Georgia Bureau of Investigation a copy of the form stating that the obligations of the sexual offender have been explained;
 - (2) Forward any required registration information to the Georgia Bureau of Investigation;
 - (3) Forward the sexual offender's fingerprints and photograph to the sheriff's office of the county where the sexual offender is going to reside;
 - (4) Inform the board and the prosecuting attorney for the jurisdiction in which a sexual offender was convicted of the impending release of a sexual offender at least eight months prior to such release so as to facilitate compliance with Code Section 42-1-14; and
 - (5) Keep all records of sexual offenders in a secure facility until official proof of death of a registered sexual offender and thereafter the records shall be destroyed in accordance with Code Sections 15-1-10, 15-6-62, and 15-6-62.1.
- (d) No sexual offender shall be released from prison or placed on parole, supervised release, or probation until:
- (1) The appropriate official has provided the Georgia Bureau of Investigation and the sheriff's office in the county where the sexual offender will be residing with the sexual offender's required registration information and risk assessment classification level; and
 - (2) The sexual offender's name has been added to the list of sexual offenders maintained by the Georgia Bureau of Investigation and the sheriff's office as required by this Code section.
- (e) Registration pursuant to this Code section shall be required by any individual who:
- (1) Is convicted on or after July 1, 1996, of a criminal offense against a victim who is a minor;
 - (2) Is convicted on or after July 1, 2006, of a dangerous sexual offense;
 - (3) Has previously been convicted of a criminal offense against a minor and may be released from prison or placed on parole, supervised release, or probation on or after July 1, 1996;
 - (4) Has previously been convicted of a sexually violent offense and may be released from prison or placed on parole, supervised release, or probation;
 - (5) Is a resident of Georgia who intends to reside in this state and who is convicted under the laws of another state or the United States, under the Uniform Code of Military Justice, or in a tribal court of a sexually violent offense, a criminal offense against a victim who is a minor on or after July 1, 1999, or a dangerous sexual offense on or after July 1, 2006;
 - (6) Is a nonresident sexual offender who changes residence from another state or territory of the United States to Georgia who is required to register as a sexual offender under federal law, military law, tribal law, or the laws of another state or territory, regardless of when the conviction occurred;

- (7) Is a nonresident sexual offender who enters this state for the purpose of employment for a period exceeding 14 consecutive days or for an aggregate period of time exceeding 30 days during any calendar year regardless of whether such sexual offender is required to register under federal law, military law, tribal law, or the laws of another state or territory; or
- (8) Is a nonresident sexual offender who enters this state for the purpose of attending school as a full-time or part-time student regardless of whether such sexual offender is required to register under federal law, military law, tribal law, or the laws of another state or territory.
- (f) Any sexual offender required to register under this Code section shall:
- (1) Provide the required registration information to the appropriate official before being released from prison or placed on parole, supervised release, or probation;
 - (2) Register with the sheriff of the county in which the sexual offender resides within 72 hours after the sexual offender's release from prison or placement on parole, supervised release, probation, or entry into this state;
 - (3) Maintain the required registration information with the sheriff of the county in which the sexual offender resides;
 - (4) Renew the required registration information with the sheriff of the county in which the sexual offender resides by reporting to the sheriff within 72 hours of such offender's birthday each year to be photographed and fingerprinted;
 - (5) Update the required registration information with the sheriff of the county in which the sexual offender resides within 72 hours of any change to the required registration information, other than residence address; if the information is the sexual offender's new residence address, the sexual offender shall give the information to the sheriff of the county with whom the sexual offender last registered no sooner than 72 hours before any change of residence address and to the sheriff of the county to which the sexual offender is moving;
 - (6) If convicted of a dangerous sexual offense on or after July 1, 2006, pay to the sheriff of the county where the sexual offender resides an annual registration fee of \$250.00 upon each anniversary of such registration; and
 - (7) Continue to comply with the registration requirements of this Code section for the entire life of the sexual offender, including ensuing periods of incarceration.
- (f.1)(1) Any sexual offender required to register under this Code section who meets the criteria set forth in paragraph (2) of this Code section may petition the superior court of the jurisdiction in which the sexual offender is registered to be released from the registration requirements of this Code section. The court may issue an order releasing the sexual offender from further registration if the court finds that the sexual offender does not pose a substantial risk of perpetrating any future dangerous sexual offense.
- (2) In order to petition the court pursuant to paragraph (1) of this subsection, the sexual offender shall:
- (A) Have been convicted of:
 - (i) Sodomy, as defined in Code Section 16-6-2;

- (ii) Statutory rape, as defined in Code Section 16-6-3;
 - (iii) Child molestation, as defined in subsection (a) of Code Section 16-6-4;
 - (iv) Aggravated child molestation when the basis of the charge involves an act of sodomy; or
 - (v) Enticing a child for indecent purposes, as defined in Code Section 16-6-5;
 - (B) Have been under 21 years of age at the time of the commission of the offense;
 - (C) Not have a prior conviction of an offense prohibited by Chapter 6 of Title 16 or Part 2 of Article 3 of Chapter 12 of Title 16, nor a prior conviction for any offense under federal law or the laws of another state or territory of the United States which consists of the same or similar elements of offenses prohibited by Chapter 6 of Title 16 or Part 2 of Article 3 of Chapter 12 of Title 16;
 - (D) Not have used a deadly weapon or any object, device, or instrument which when used offensively against a person would be likely to or actually did result in serious bodily injury during the commission of the offense;
 - (E) Not have caused the victim to suffer any physical injury or visible bodily harm during the commission of the offense;
 - (F) Have been declared a Level I risk assessment classification by the board; and
 - (G) Have had ten years elapse since his or her release from prison, parole, supervised release, or probation.
- (g)(1) The appropriate official or sheriff shall, within 72 hours after receipt of the required registration information, forward such information to the Georgia Bureau of Investigation. Once the data is entered into the Criminal Justice Information System by the appropriate official or sheriff, the Georgia Crime Information Center shall notify the sheriff of the sexual offender's county of residence, either permanent or temporary, the sheriff of the county of employment, and the sheriff of the county where the sexual offender attends an institution of higher education within 24 hours of entering the data or any change to the data.
- (2) The Georgia Bureau of Investigation shall:
- (A) Transmit all information, including the conviction data and fingerprints, to the Federal Bureau of Investigation within 24 hours of entering the data;
 - (B) Establish operating policies and procedures concerning record ownership, quality, verification, modification, and cancellation; and
 - (C) Perform mail out and verification duties as follows:
 - (i) Send each month Criminal Justice Information System network messages to sheriffs listing sexual offenders due for verification;
 - (ii) Create a photo image file from original entries and provide such entries to sheriffs to assist in sexual offender identification and verification;
 - (iii) Mail a nonforwardable verification form to the last reported address of the sexual offender prior to the sexual offender's birthday;
 - (iv) If the sexual offender changes residence to another state, notify the law enforcement agency with which the sexual offender shall register in the new state; and
 - (v) Maintain records required under this Code section.

(h) The sheriff's office in each county shall:

- (1) Prepare and maintain a list of all sexual offenders and sexually dangerous predators residing in each county. Such list shall include the sexual offender's name; age; physical description; address; crime of conviction, including conviction date and the jurisdiction of the conviction; photograph; and the risk assessment classification level provided by the board, and an explanation of how the board classifies sexual offenders and sexually dangerous predators;
- (2) Electronically submit and update all information provided by the sexual offender within two working days to the Georgia Bureau of Investigation in a manner prescribed by the Georgia Bureau of Investigation;
- (3) Maintain and post a list of every sexual offender residing in each county:
 - (A) In the sheriff's office;
 - (B) In any county administrative building;
 - (C) In the main administrative building for any municipal corporation;
 - (D) In the office of the clerk of the superior court so that such list is available to the public; and
 - (E) On a website maintained by the sheriff of the county for the posting of general information;
- (4) Update the public notices required by paragraph (3) of this Code section within two working days;
- (5) Inform the public of the presence of sexual offenders in each community;
- (6) Update the list of sexual offenders residing in the county upon receipt of new information affecting the residence address of a sexual offender or upon the registration of a sexual offender moving into the county by virtue of release from prison, relocation from another county, conviction in another state, federal court, military tribunal, or tribal court. Such list, and any additions to such list, shall be delivered immediately to all schools or institutions of higher education located in the county;
- (7) Within 72 hours of the receipt of changed required registration information, notify the Georgia Bureau of Investigation through the Criminal Justice Information System of each change of information;
- (8) Retain the verification form stating that the sexual offender still resides at the address last reported;
- (9) Enforce the criminal provisions of this Code section. The sheriff may request the assistance of the Georgia Bureau of Investigation to enforce the provisions of this Code section;
- (10) Cooperate and communicate with other sheriffs' offices in this state and in the United States to maintain current data on the location of sexual offenders;
- (11) Determine the appropriate time of day for reporting by sexual offenders, which shall be consistent with the reporting requirements of this Code section;
- (12) If required by Code Section 42-1-14, place any electronic monitoring device on the sexually dangerous predator and explain its operation and cost;

- (13) Provide current information on names and addresses of all registered sexual offenders to campus police with jurisdiction for the campus of an institution of higher education if the campus is within the sheriff's jurisdiction; and
- (14) Collect the annual \$250.00 registration fee from the sexual offender and transmit such fees to the state for deposit into the General Fund.
- (i)(1) The sheriff of the county where the sexual offender resides or last registered shall be the primary law enforcement official charged with communicating the whereabouts of the sexual offender and any changes in required registration information to the sheriff's office of the county or counties where the sexual offender is employed, volunteers, attends an institution of higher education, or moves.
- (2) The sheriff's office may post the list of sexual offenders in any public building in addition to those locations enumerated in subsection (h) of this Code section.
- (j) The Georgia Crime Information Center shall create the Criminal Justice Information System network transaction screens by which appropriate officials shall enter original data required by this Code section. Screens shall also be created for sheriffs' offices for the entry of record confirmation data; employment; changes of residence, institutions of higher education, or employment; or other pertinent data to assist in sexual offender identification.
- (k)(1) On at least an annual basis, the Department of Education shall obtain from the Georgia Bureau of Investigation a complete list of the names and addresses of all registered sexual offenders and shall send such list, accompanied by a hold harmless provision, to each school in this state. In addition, the Department of Education shall provide information to each school in this state on accessing and retrieving from the Georgia Bureau of Investigation's website a list of the names and addresses of all registered sexual offenders.
- (2) On at least an annual basis, the Department of Early Care and Learning shall provide current information to all child care programs regulated pursuant to Code Section 20-1A-10 on accessing and retrieving from the Georgia Bureau of Investigation's website a list of the names and addresses of all registered sexual offenders and shall include, on a continuing basis, such information with each application for licensure, commissioning, or registration for early care and education programs.
- (3) On at least an annual basis, the Department of Human Resources shall provide current information to all day-care, group day-care, and family day-care programs regulated pursuant to Code Section 49-5-12 and to all long-term facilities for children on accessing and retrieving from the Georgia Bureau of Investigation's website a list of the names and addresses of all registered sexual offenders.
- (l) Within ten days of the filing of a defendant's discharge and exoneration of guilt pursuant to Article 3 of Chapter 8 of this title, the clerk of court shall transmit the order of discharge and exoneration to the Georgia Bureau of Investigation and any sheriff maintaining records required under this Code section.
- (m) Any individual who:

- (1) Is required to register under this Code section and who fails to comply with the requirements of this Code section;
- (2) Provides false information; or
- (3) Fails to respond directly to the sheriff within 72 hours of such individual's birthday

shall be guilty of a felony and shall be punished by imprisonment for not less than ten nor more than 30 years; provided, however, that upon the conviction of the second offense under this subsection, the defendant shall be punished by imprisonment for life.

(n) The information collected pursuant to this Code section shall be treated as private data except that:

- (1) Such information may be disclosed to law enforcement agencies for law enforcement purposes;
- (2) Such information may be disclosed to government agencies conducting confidential background checks; and
- (3) The Georgia Bureau of Investigation or any sheriff maintaining records required under this Code section shall, in addition to the requirements of this Code section to inform the public of the presence of sexual offenders in each community, release such other relevant information collected under this Code section that is necessary to protect the public concerning sexual offenders required to register under this Code section, except that the identity of a victim of an offense that requires registration under this Code section shall not be released.

(o) The Board of Public Safety is authorized to promulgate rules and regulations necessary for the Georgia Bureau of Investigation and the Georgia Crime Information Center to implement and carry out the provisions of this Code section.

(p) Law enforcement agencies, employees of law enforcement agencies, and state officials shall be immune from liability for good faith conduct under this article.

42-1-13.

(a) The Sexual Offender Registration Review Board shall be composed of three professionals licensed under Title 43 and knowledgeable in the field of the behavior and treatment of sexual offenders; at least one representative from a victims' rights advocacy group or agency; and at least two representatives from law enforcement, each of whom is either employed by a law enforcement agency as a certified peace officer under Title 35 or retired from such employment. The members of the board shall be appointed by the commissioner of human resources for terms of four years. On and after July 1, 2006, successors to the members of the board shall be appointed by the Governor. Members of the board shall take office on the first day of September immediately following the expired term of that office and shall serve for a term of four years and until the appointment of their respective successors. No member shall serve on the board more than two consecutive terms. Vacancies occurring on the board, other than those caused by expiration of a term of office, shall be filled in the same manner as the original appointment to the position vacated for the remainder of the unexpired term and until a successor is appointed. Members shall be entitled to an expense allowance

and travel cost reimbursement the same as members of certain other boards and commissions as provided in Code Section 45-7-21.

(b) The board shall be attached to the Department of Human Resources for administrative purposes and, provided there is adequate funding, shall:

(1) Exercise its quasi-judicial, rule-making, or policy-making functions independently of the department and without approval or control of the department;

(2) Prepare its budget, if any, and submit its budgetary requests, if any, through the department; and

(3) Hire its own personnel if authorized by the Constitution of this state or by statute or if the General Assembly provides or authorizes the expenditure of funds therefor.

(c) Members of the board shall be immune from liability for good faith conduct under this article.

42-1-14.

(a) The board shall determine the likelihood that a sexual offender will engage in another crime against a victim who is a minor or a dangerous sexual offense. The board shall make such determination for any sexual offender convicted on or after July 1, 2006, of a criminal act against a minor or a dangerous sexual offense and for any sexual offender incarcerated on July 1, 2006, but convicted prior to July 1, 2006, of a criminal act against a minor. Such determination shall not be required to be made by the board until January 1, 2007; provided, however, that such persons shall be subject to this Code section. A sexual offender shall be placed into Level I risk assessment classification, Level II risk assessment classification, or sexually dangerous predator classification based upon the board's assessment criteria and information obtained and reviewed by the board. The sexual offender may provide the board with information including, but not limited to, psychological evaluations, sexual history polygraph information, treatment history, personal, social, educational, and work history, and may agree to submit to a psychosexual evaluation or sexual history polygraph conducted by the board. If the sexual offender has undergone treatment through the Department of Corrections, such treatment records shall also be submitted to the board for evaluation. The prosecuting attorney shall provide the board with any information available to assist the board in rendering an opinion, including, but not limited to, criminal history and records related to previous criminal history. On and after July 1, 2006, the clerk of court shall send a copy of the sexual offender's conviction to the board and notify the board that a sexual offender's evaluation will need to be performed. The board shall render its recommendation for risk assessment classification within:

(1) Sixty days of receipt of a request for an evaluation if the sexual offender is being sentenced pursuant to subsection (c) of Code Section 17-10-6.2;

(2) Six months prior to the sexual offender's proposed release from confinement if the offender is incarcerated; and

(3) Forty-five days of receipt of the required registration information if the sexual offender has entered this state from another state and registered as a sexual offender.

The board shall send a copy of its risk assessment classification to the Department of Corrections, sexual offender, and sentencing court, if applicable.

(b)(1) If the sexual offender has been sentenced pursuant to subsection (c) of Code Section 17-10-6.2, after receiving a recommendation from the board that he or she be classified as a sexually dangerous predator, the sexual offender may request that the sentencing court set a date to conduct a hearing affording the sexual offender the opportunity to present testimony or evidence relevant to the recommended classification. After the hearing and within 60 days of receiving the report, the court shall issue a ruling as to whether or not the sexual offender shall be classified as a sexually dangerous predator. If the court determines the sexual offender to be a sexually dangerous predator, such fact shall be communicated in writing to the appropriate official, the Georgia Bureau of Investigation, and the sheriff of the county where the sexual offender resides.

(2) If the sexual offender received a sentence of imprisonment and was sentenced for a dangerous sexual offense on or after July 1, 2006, or if the sexual offender is incarcerated on July 1, 2006, for a crime against a victim who is a minor, after receiving a recommendation from the board that he or she be classified as a sexually dangerous predator, the sexual offender may request that the sentencing court set a date to conduct a hearing affording the sexual offender the opportunity to present testimony or evidence relevant to the recommended classification. After the hearing and within 60 days of receiving the report, the court shall issue a ruling as to whether or not the sexual offender shall be classified as a sexually dangerous predator. If the court determines the sexual offender to be a sexually dangerous predator, such fact shall be communicated in writing to the appropriate official, the Georgia Bureau of Investigation, and the sheriff of the county where the sexual offender resides.

(c) Any sexual offender who changes residence from another state or territory of the United States to this state and who is not designated as a sexually dangerous predator, sexual predator, or a sexually violent predator shall have his or her required registration information forwarded by the sheriff of his or her county of registration to the board for the purpose of risk assessment classification. After receiving a recommendation from the board that he or she be classified as a sexually dangerous predator, the sexual offender may, within 30 days after the issuance of such classification, request a hearing before an administrative law judge. Such hearing shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The decision of the administrative law judge shall constitute the final decision of the board subject to the right of judicial review in accordance with Chapter 13 of Title 50. If the final determination is that the sexual offender is classified as a sexually dangerous predator, such fact shall be communicated in writing to the appropriate official, the Georgia Bureau of Investigation, and the sheriff of the county where the sexual offender resides.

(d) Any individual who was classified as a sexually violent predator prior to July 1, 2006, shall be classified as a sexually dangerous predator on and after July 1, 2006.

(e) Any sexually dangerous predator shall be required to wear an electronic monitoring device that shall have, at a minimum, the capacity to locate and record the location of

the sexually dangerous predator by a link to a global positioning satellite system, have two-way voice communication capability, have an alarm at no less than 95 decibels that can be remotely activated, and is automatically activated and broadcasts the sexually dangerous predator's location if the monitor is removed or tampered with by anyone other than a law enforcement official designated to maintain and remove or replace the monitor. Such monitor shall be worn by a sexually dangerous predator for the remainder of his or her natural life. The sexually dangerous predator shall pay the cost of such monitor to the Department of Corrections if the sexually dangerous predator is on probation; to the Board of Pardons and Paroles if the sexually dangerous predator is on parole; and to the sheriff after the sexually dangerous predator completes his or her term of probation and parole or if the sexually dangerous predator has moved to this state from another state, territory, or country. The monitor shall be placed upon the sexually dangerous predator prior to his or her release from confinement. If the sexual offender is not in custody, within 72 hours of the decision classifying the sexual offender as a sexually dangerous predator by the court in accordance with subsection (b) of this Code section or a final decision pursuant to subsection (c) of this Code section, whichever applies to the sexual offender's situation, the sexually dangerous predator shall report to the sheriff of the county of his or her residence for purposes of having the monitor placed on the sexually dangerous predator.

(f) In addition to the requirements of registration for all sexual offenders, a sexually dangerous predator shall report to the sheriff of the county where such predator resides six months following his or her birth month and update or verify his or her required registration information.

42-1-15.

(a) No individual required to register pursuant to Code Section 42-1-12 shall reside or loiter within 1,000 feet of any child care facility, church, school, or area where minors congregate. Such distance shall be determined by measuring from the outer boundary of the property on which the individual resides to the outer boundary of the property of the child care facility, church, school, or area where minors congregate at their closest points.

(b) No individual who is required to register under Code Section 42-1-12 shall be employed by any child care facility, school, or church or by any business or entity that is located within 1,000 feet of an area where minors congregate, a child care facility, a school, or a church.

(c) Any sexual offender who knowingly violates the provisions of this Code section shall be guilty of a felony and shall be punished by imprisonment for not less than ten nor more than 30 years.

(d) Nothing in this Code section shall create, either directly or indirectly, any civil cause of action against or result in criminal prosecution of any person, firm, corporation, partnership, trust, or association other than an individual required to be registered under Code Section 42-1-12."

SECTION 21.

Said title is further amended by striking subsection (b) of Code Section 42-8-35, relating to terms and conditions of probation, and inserting in lieu thereof the following:

"(b) In determining the terms and conditions of probation for a probationer who has been convicted of a criminal offense against a victim who is a minor or dangerous sexual offense as ~~that phrase is~~ those terms are defined in ~~subparagraph (a)(4)(B) of~~ Code Section 42-1-12, the court may provide that the probationer shall be:

(1) Prohibited from entering or remaining present at a victim's school, place of employment, place of residence, or other specified place at times when a victim is present or from ~~entering or remaining present~~ loitering in areas where minors congregate, child care facilities, churches, or schools as those terms are defined in ~~subsection (a) of Code Section 42-1-13~~ 42-1-12;

(2) Required to wear a device capable of tracking the location of the probationer by means including electronic surveillance or global positioning systems. The ~~Unless the probationer is indigent, the~~ department shall assess and collect fees from the probationer for such monitoring at levels set by regulation by the department; and

(3) Prohibited from seeking election to a ~~Local Board of Education~~ local board of education."

SECTION 22.

Said title is further amended by striking Code Section 42-8-60, relating to probation prior to adjudication of guilt, and inserting in lieu thereof the following:

"42-8-60.

(a) Upon a verdict or plea of guilty or a plea of nolo contendere, but before an adjudication of guilt, in the case of a defendant who has not been previously convicted of a felony, the court may, without entering a judgment of guilt and with the consent of the defendant:

(1) Defer further proceeding and place the defendant on probation as provided by law; or

(2) Sentence the defendant to a term of confinement as provided by law.

(b) Upon violation by the defendant of the terms of probation, upon a conviction for another crime during the period of probation, or upon the court determining that the defendant is or was not eligible for sentencing under this article, the court may enter an adjudication of guilt and proceed as otherwise provided by law. No person may avail himself or herself of this article on more than one occasion.

(c) The court shall not sentence a defendant under the provisions of this article and, if sentenced under the provisions of this article, shall not discharge the defendant upon completion of the sentence unless the court has reviewed the defendant's criminal record as such is on file with the Georgia Crime Information Center.

(d) The court shall not sentence a defendant under the provisions of this article who has been found guilty of or entered a plea of guilty of a plea of nolo contendere for:

(1) A serious violent felony as such term is defined in Code Section 17-10-6.1;

(2) A sexual offense as such term is defined in Code Section 17-10-6.2;

- (3) Sexual exploitation of a minor as defined in Code Section 16-12-100;
- (4) Electronically furnishing obscene material to a minor as defined in Code Section 16-12-100.1; or
- (5) Computer pornography and child exploitation, as defined in Code Section 16-12-100.2."

SECTION 23.

Said title is further amended by striking in its entirety Code Section 42-9-44.1, relating to conditions of parole for sexual offenders, and inserting in lieu thereof the following:

"42-9-44.1.

~~(a) As used in this Code section, the term 'sexual offense' means a violation of Code Section 16-6-1, 16-6-2, 16-6-5.1, 16-6-22, or 16-6-22.2 when the victim was under 18 years of age at the time of the commission of the offense or a violation of Code Section 16-6-3, 16-6-4, or 16-6-5 when the victim was under 14 years of age at the time of the commission of the offense.~~

~~(b)(1) The board shall adopt rules providing that with respect to any person who has been convicted of a sexual offense, as a condition of parole, the offender shall be ordered to give notice of his or her name and address, the crime for which he or she was convicted, and the date of parole to:~~

~~(A) The superintendent of the public school district where the offender will reside; and~~

~~(B) The sheriff of the county wherein the offender will reside.~~

~~(2) The offender shall provide the notice and information required in paragraph (1) of this subsection within ten days of the release on parole or within ten days of setting up residency in the locale where the offender plans to have his or her domicile.~~

~~(c) Any sex offender who has been paroled and who moves his or her legal residence from one county within this state to another county within this state shall be required to provide the information and notice required in subsection (b) of this Code section with respect to his or her new residence within ten days after moving during the period of his or her parole.~~

~~(d) Any person who fails to comply with the requirements of this Code section or who provides false information shall, in the case of a person on parole, be in violation of such person's conditions of parole and shall be guilty of a misdemeanor.~~

~~(e) It shall be the duty of the sheriff of each county within this state to maintain a register of the names and addresses of all offenders providing information to the sheriff under this Code section. Such register shall be open to public inspection.~~

~~(f) The requirement that a sex offender provide notice and information pursuant to subsections (b) and (c) of this Code section shall terminate upon the offender's satisfactory completion of his or her terms of parole. Reserved."~~

SECTION 24.

Said title is further amended by striking in its entirety Code Section 42-9-44.2, relating to chemical treatment and counseling as a condition of parole for child molesters, and

inserting in lieu thereof the following:

"42-9-44.2.

~~(a) The Board of Pardons and Paroles may in the exercise of its discretion in considering the grant of parole to a person who has been convicted of a second or subsequent offense of child molestation of a child who was 16 years of age or younger at the time of the offense or who has been convicted of a first offense of aggravated child molestation of a child who was 16 years of age or younger at the time of the offense require, as a condition of parole, that such person undergo medroxyprogesterone acetate treatment or its chemical equivalent. While undergoing such treatment, such person must participate in and pay for counseling currently available from a private or public provider of outpatient mental health services. No such treatment shall be administered until such person has consented thereto in writing.~~

~~(b) A person who is required to undergo medroxyprogesterone acetate treatment or its chemical equivalent and counseling as a condition of parole shall begin such treatment prior to his or her release from confinement in the state correctional institution or other institution, but additional treatment may continue after such defendant's release on parole until the defendant demonstrates to the board that such treatment is no longer necessary.~~

~~(c) The provision of treatment required as a condition of parole shall be administered by the State Board of Pardons and Paroles through licensed medical personnel employed by the defendant and approved by the board. Any physician or qualified mental health professional who acts in good faith in compliance with the provisions of this Code section in the administration of treatment or provision of counseling provided for in this Code section shall be immune from civil or criminal liability for his or her actions in connection with such treatment. The Department of Corrections shall permit access by such licensed medical personnel for such purpose to any person required to begin the treatment and counseling while confined in a facility of the department. The medical personnel utilized or approved by the board shall be required to inform the person about the effect of hormonal chemical treatment and any side effects that may result from it. A person subject to treatment under this Code section shall acknowledge in writing the receipt of this information. Reserved.~~

SECTION 25.

(a) This Act shall become effective July 1, 2006.

(b) Any person required to register pursuant to the provisions of Code Section 42-1-12, relating to the state sexual offender registry, and any person required not to reside within areas where minors congregate, as prohibited by Code Section 42-1-13, shall not be relieved of the obligation to comply with the provisions of said Code sections by the repeal and reenactment of said Code sections.

(c) The provisions of this Act shall not affect or abate the status as a crime of any such act or omission which occurred prior to the effective date of the Act repealing, repealing and reenacting, or amending such law, nor shall the prosecution of such crime be abated as a result of such repeal, repeal and reenactment, or amendment.

SECTION 26.

All laws and parts of laws in conflict with this Act are repealed.

The following amendment was read and adopted:

Representative Bordeaux of the 162nd moves to amend the Rules Committee substitute to HB 1059 as follows:

By restoring the "or" on p. 9, line 2.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, by substitute, as amended.

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Crawford	Y Hill, C.A	Y Martin	N Sailor
Y Amerson	Y Cummings	N Holmes	Y Maxwell	Y Scheid
Y Anderson	Y Davis	Y Holt	Y May	Y Scott, A
N Ashe	Y Day	Y Horne	Y McCall	Y Scott, M
Y Barnard	Y Dean	Y Houston	E McClinton	Y Setzler
Y Barnes	Y Dickson	N Howard, E	Y Meadows	Y Shaw
Y Bearden	Y Dodson	Y Hudson	E Millar	Y Sheldon
Y Beasley-Teague	Y Dollar	Y Hugley	Y Mills	Y Sims, C
N Benfield	Y Drenner	N Jackson	Y Mitchell	Y Sims, F
Y Benton	Y Dukes	Y Jacobs	N Morgan	N Sinkfield
Y Black	Y Ehrhart	N James	Y Morris	Y Smith, B
N Bordeaux	Y England	Y Jamieson	N Mosby	Y Smith, L
Y Borders	Y Epps	Y Jenkins	Y Mosley	Y Smith, P
Y Bridges	Y Everson	Y Jennings	Mumford	Y Smith, R
N Brooks	Y Fleming	Y Johnson	Y Murphy, J	Y Smith, T
Y Brown	Y Floyd, H	Y Jones, J	Y Murphy, Q	Y Smith, V
N Bruce	Y Floyd, J	N Jones, S	Y Neal	Y Smyre
Y Bryant	Y Fludd	N Jordan	N Oliver	N Stanley-Turner
Y Buckner, D	Y Forster	Y Keen	Y O'Neal	Y Stephens
Y Buckner, G	Y Franklin	Y Keown	N Orrock	N Stephenson
Y Burkhalter	Y Freeman	Y Kidd	Parham	Y Talton
Burmeister	N Gardner	Y Knight	Y Parrish	Y Teilhet
Y Burns	Y Geisinger	Y Knox	Y Parsons	Y Thomas, A.M
Y Butler	Y Golick	Y Lakly	E Porter	E Thomas, B
Y Byrd	Y Graves, D	Y Lane, B	Y Powell	Y Tumlin
Y Carter	Y Graves, T	Y Lane, R	Y Ralston	Y Walker
Y Casas	Y Greene	Y Lewis	N Randall	Y Warren
Y Chambers	Y Hanner	Y Lindsey	Y Ray	Y Watson
Y Channell	Y Harbin	Y Lord	Y Reece, B	Y Wilkinson
Y Cheokas	Y Hatfield	Y Loudermilk	Y Reece, S	Y Willard
Y Coan	Y Heard, J	N Lucas	Y Reese	Y Williams, A
Y Cole	Y Heard, K	Y Lunsford	Rice	N Williams, E
Y Coleman, B	N Heckstall	Y Maddox	Y Roberts	Y Williams, R
Y Coleman, T	Y Hembree	N Mangham	Y Rogers	Y Wix
Y Cooper	N Henson	Y Manning	Y Royal	Y Yates
Y Cox	Y Hill, C	Y Marin	Y Rynders	Richardson, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 144, nays 27.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

Representative Rice of the 51st stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representative Ralston of the 7th assumed the chair.

The following Resolutions of the House were read and adopted:

HR 1224. By Representatives Lane of the 158th, Burns of the 157th and Parrish of the 156th:

A RESOLUTION commending Mr. Roy L. "Chip" Smith, III for being named the Ogeechee Soil and Water Conservation District's 2005 Conservationist of the Year for Bulloch County.

HR 1242. By Representatives Beasley-Teague of the 65th, Brooks of the 63rd, Thomas of the 55th, Anderson of the 123rd and Bruce of the 64th:

A RESOLUTION recognizing South Fulton County Day at the Capitol on February 7, 2006; and for other purposes.

HR 1243. By Representatives Buckner of the 130th, Parrish of the 156th, Lord of the 142nd, Jamieson of the 28th, Meadows of the 5th, Hanner of the 148th and others:

A RESOLUTION commending the Georgia Rural Health Association and recognizing Rural Health day; and for other purposes.

HR 1244. By Representative Smith of the 70th:

A RESOLUTION congratulating Mr. Darwin R. Drewyer, Sr., on the occasion of his 100th birthday; and for other purposes.

HR 1245. By Representative Smith of the 70th:

A RESOLUTION recognizing and honoring the annual Martin Luther King, Jr., memorial parade in Newnan and commending its leaders and participants; and for other purposes.

HR 1246. By Representatives Beasley-Teague of the 65th, Brooks of the 63rd, Anderson of the 123rd, Cummings of the 16th and Jones of the 44th:

A RESOLUTION expressing regret at the passing of Mr. Melvin Howard Robinson; and for other purposes.

HR 1247. By Representatives Beasley-Teague of the 65th, Brooks of the 63rd, Anderson of the 123rd, Watson of the 91st and Sailor of the 93rd:

A RESOLUTION expressing regret at the passing of Mr. Felix D. Louwinski III; and for other purposes.

HR 1248. By Representatives Beasley-Teague of the 65th, Brooks of the 63rd and Anderson of the 123rd:

A RESOLUTION expressing regret at the passing of Miss Tiffany "Monet" Crawley; and for other purposes.

HR 1249. By Representatives Davis of the 109th, Lunsford of the 110th, Yates of the 73rd, Jordan of the 77th and Mosby of the 90th:

A RESOLUTION congratulating the Henry County High School varsity baseball team on winning the 2005 AAAA state championship; and for other purposes.

HR 1250. By Representatives Jacobs of the 80th, Chambers of the 81st, Watson of the 91st, Benfield of the 85th, Oliver of the 83rd and others:

A RESOLUTION commending Commissioner Gale Walldorff; and for other purposes.

HR 1251. By Representatives Thomas of the 55th, Holmes of the 61st, Abdul-Salaam of the 74th, Jordan of the 77th and Beasley-Teague of the 65th:

A RESOLUTION commending Pastor Jermaine Dawson; and for other purposes.

HR 1252. By Representatives Fludd of the 66th, Abdul-Salaam of the 74th, Jordan of the 77th, Lakly of the 72nd and Yates of the 73rd:

A RESOLUTION commending the Fayette County Department of Fire and Emergency Services; and for other purposes.

HR 1253. By Representatives Dodson of the 75th, Barnes of the 78th, Buckner of the 76th, Jordan of the 77th and Abdul-Salaam of the 74th:

A RESOLUTION commending the class of Leadership Clayton 2006; and for other purposes.

HR 1254. By Representative Drenner of the 86th:

A RESOLUTION commending Ms. Karen S. Feltz; and for other purposes.

HR 1255. By Representatives Smith of the 113th and Holt of the 112th:

A RESOLUTION remembering and honoring the life of Mr. Curtis Bell; and for other purposes.

HR 1256. By Representative Smith of the 113th:

A RESOLUTION remembering and honoring the life of Mrs. Reba Kinney Hammond; and for other purposes.

HR 1257. By Representative Dukes of the 150th:

A RESOLUTION remembering Lillie Victoria Taylor Dover; and for other purposes.

Representative Keen of the 179th moved that the House do now adjourn until 9:00 o'clock, tomorrow morning, and the motion prevailed.

Representative Ralston of the 7th announced the House adjourned until 9:00 o'clock, tomorrow morning.